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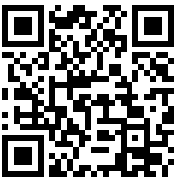

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Parliamentary History.

VOL. XVIII.

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Published under the Superintendence of

T. C. HANSARD,

PETERBOROUGH COURT, FLEET STREET,

By whom all Communications for this Work, and also for the

"PARLIAMENTARY DEBATES,"

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED, "THE PARLIAMENTARY DEBATES."

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Archbishops.

1768.	Archbishop of Canterbury	Hon. Frederick Cornwallis.
1761.	- - - - - - - - York	Robert Drummond.
1776.	- - - - - - - - ——	William Markham.

Bishops.

1769.	Bishop of St. Asaph	Jonathan Shipley.
1774.	- - - - Bangor.....	John Moore.
1774.	- - - - - Bath and Wells	Charles Moss.
1761.	- - - - - Bristol.....	Thomas Newton.
1754.	- - - - - Chichester	Sir William Ashburnham, bart.
1774.	- - - - - Coventry and Litchfield	Richard Hurd.
1774.	- - - - - St. David's	James Yorke.
1771.	- - - - - Ely	Edmund Keene.
1761.	- - - - - Exeter.....	Frederick Keppel.
1760.	- - - - - Gloucester	William Warburton.
1746.	- - - - - Hereford.....	Lord James Beauclerk.
1769.	- - - - - Landaff	Shute Barrington.
1761.	- - - - - Lincoln	John Green.
1764.	- - - - - London	Richard Terrick.
1761.	- - - - - Norwich	Philip Yonge.
1766.	- - - - - Oxford.....	Robert Lowth.
1769.	- - - - - Peterborough	John Hinchcliffe.
1774.	- - - - - Rochester	John Thomas. (1)
1766.	- - - - - Salisbury.....	John Hume.
1761.	- - - - - Winchester.....	John Thomas. (2)
1774.	- - - - - Worcester	Brownlow North.
1768.	- - - - - Carlisle	Edmund Law.
1771.	- - - - - Chester	William Markham.
1776.	- - - - - ——	Beilby Porteous.
1771.	- - - - - Durham	John Egerton.

Lord High Chancellor.

1771.	Jan. 23.	Henry, Lord Apsley.	Succeeded as Earl Bathurst in 1775.

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PRINCIPAL SECRETARIES OF STATE.

1771. Jan. 22. George, Earl of Halifax, vice the Earl of Sandwich.
June 12. Henry, Earl of Suffolk and Berkshire, vice Lord Halifax.
1772. Aug. 14. William, Earl of Dartmouth, Colonies.
1775. Nov. 10. Thomas, Viscount Wentworth, vice Lord Rochford.
Lord George Sackville Germaine, afterwards Viscount Sackville. Colonies.

SPEAKER OF THE HOUSE OF COMMONS.

1770. Jan. 22. Sir Fletcher Norton, knt.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF ENGLAND.

1774. Mar. 12. Frederick, Lord North, Chancellor of the Exchequer.
George Onslow, esq.
Charles Townshend, esq.
Francis Seymour Conway, Viscount Beauchamp.
Charles Wolfran Cornwall, esq.

MASTER OF THE ROLLS.

1764. Dec. 4. Sir Thomas Sewell, knt.

ATTORNEY GENERAL.

1771. Jan. 23. Edward Thurlow, esq. afterwards Lord Thurlow.

SOLICITOR GENERAL.

1771. Jan. 23. Alexander Wedderburn, esq. afterwards Lord Loughborough.

LORD ADVOCATE OF SCOTLAND.

1775. Henry Dundas, esq. afterwards Viscount Melville.

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Jenkinson, Charles, [created Lord Hawkesbury in 1786, and Earl of Liverpool, in 1796] 187, 330, 387, 539, 646, 888, 1001, 1034.
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Jolliffe, William, 248, 1179.
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Lemon, Sir William, 836.
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Lowther, Sir James, 733, 818, 1330.
Luttrell, Temple, 55, 308, 588, 758, 863, 1013, 1034, 1333, 1353, 1408, 1449.
Luttrell, John, 593.
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Lyttelton, [Thomas, second] Lord, 36, 47, 163, 205, 276, 280, 291, 628, 634, 641, 664, 669, 713, 805, 902, 908, 927, 948, 1069, 1076, 1115, 1126, 1222, 1272.
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Manchester, [George Montague] Duke of, 47, 215, 291, 433, 434, 456, 627, 638, 666, 684, 719, 798, 929, 1065, 1094, 1202, 1256, 1345, 1370.
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Marchmont, Earl of, 1123, 1126.
Marsham, Charles, [afterwards Earl of Romney] 816, 1002.
Mawbey, Sir Joseph, 936, 1105, 1243.
Mayne, Sir William, 44, 57, 67, 244, 411, 600.
Mellish, Charles, 776.
Meredith, Sir William, 73, 171, 302.
Middleton, Viscount, 1135.
Montague, Frederick, 43.
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Moysey, Abel, 219, 863, 1004.
Mulgrave, [Constantine Phipps] Lord, 1182, 1298, 1299, 1332, 1452.

North, Frederick, Lord, [afterwards Earl of Guildford] 43, 59, 67, 68, 148, 174, 177, 192, 193, 222, 264, 298, 305, 319, 334, 352, 380, 395, 411, 418, 572, 582, 583, 599, 603, 617, 618, 619, 625, 644, 680, 770, 773, 780, 817, 818, 836, 840, 858, 862, 875, 936, 937, 939, 991, 992, 1012, 1022, 1028, 1040, 1054, 1055, 1059, 1062, 1137, 1155, 1167, 1180, 1182, 1188, 1237, 1240, 1242, 1297, 1315, 1360, 1419, 1434.
Norton, Sir Fletcher, [The Speaker] 32, 48, 300, 579, 693, 1327, 1364.

Oliver, Richard, 216, 1005, 1353.
Onslow, George, 368.
Osborne, [afterwards Duke of Leeds] Lord, 1391.
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Radnor, [William Pleydell Bouverie] Earl of, 451, 633, 637, 642.

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Rashleigh, Philip, 1298.

Ravensworth, Lord, 1351.

Rice, George, 52, 196, 388, 757, 869, 1039, 1298, 1299.

Richmond, [Charles Lennox] Duke of, 36, 167, 213, 277, 283, 285, 290, 422, 662, 685, 720, 814, 900, 901, 902, 906, 910, 916, 951, 961, 1073, 1078, 1080, 1188, 1191, 1262, 1376.

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Sandys, Lord, 1128.

Sandwich, [John Montague] Earl of, 204, 284, 286, 422, 446, 670, 711, 717, 900, 930, 935, 1081, 1097, 1118, 1127, 1218, 1258, 1266, 1380.

Savile, Sir George, 301, 420, 573, 574, 679, 860, 941, 982, 1001, 1040, 1052, 1183, 1300, 1455.

Sawbridge, John, 216, 603, 859, 936, 1007, 1055, 1236, 1301, 1352.

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Smyth, Sir Robert, 681, 874.

Solicitor General, *see* Wedderburn.

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Stanhope, Walter, 830, 1183, 1236.

Stanley, Lord, [Edward Smith Stanley, afterwards Earl of Derby] 176, 374, 758, *see* Derby.

Stanley, Hans, 52, 186, 353, 758, 834, 1455.

Storer, Anthony, 1007.

Stuart, Frederick, 1175.

Suffolk, [Henry Howard] Earl of, 160, 422, 450, 451, 1095, 1198, 1348.

Sutton, Sir Richard, 580, 1058.

Talbot, Earl, 802, 1209.

Temple, [Richard Grenville] Earl, 215, 1210.

Thurlow, Edward, [in 1778 created Lord Thurlow] 225, 360, 577, 579, 609, 772, 776, 998, 1020, 1034, 1332.

Townshend, Viscount, 166, 705, 718, 906, 962, 1095, 1213.

Townshend, Thomas, 44, 52, 53, 54, 60, 70, 173, 137, 248, 301, 317, 359, 387, 397, 573, 606, 625, 680, 831, 853, 861, 875, 940, 1001, 1057, 1128, 1228, 1232, 1233, 1234, 1329, 1331, 1413.

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Vyner, Robert, 574, 624, 936, 1245, 1361.

Wake, Sir William, 937.

Walpole, Hon. Thomas, 1028.

Walsingham, Boyle, 307.

Wedderburn, Alexander, [in 1780 created Lord Loughborough, and in 1801 Earl of Rosslyn] 192, 233, 264, 580, 587, 611, 614, 768, 835, 991, 1004, 1154, 1439.

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Wilkes, John, 183, 217, 234, 358, 734, 1007, 1287, 1336, 1402.

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Wombwell, George, 1402, 1451.

Wray, Sir Cecil, 571, 573.

Wrottesley, Sir John, 196, 588, 895.

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Yonge, Sir George, 583, 586, 849, 1023, 1039, 1041, 1298, 1449.

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Parliamentary History.

15 GEORGE THE THIRD, A. D. 1774.

FIRST SESSION
OF THE
FOURTEENTH PARLIAMENT
OF
GREAT BRITAIN.

*MEETING of the New Parliament.**] Nov. 29, 1774. This day the New Parliament met at Westminster. His Majesty being seated on the throne, adorned with his crown and regal ornaments, and attended by his officers of state, (the Lords being in their robes), commanded the Gentleman Usher of the Black Rod to let the Commons know, "It is his Majesty's "pleasure that they attend him immedi- "ately in this House:"

Who being come, the Lord Chancellor said:

* "Whilst matters of the greatest magnitude were transacting in America, an unexampled supineness with regard to public affairs, prevailed among the great body of the people at home. The English nation, which used to feel so tremblingly alive, upon every contest that arose between the remotest powers in Europe, and to interest itself so much in the issue, as scarcely to be with-held from becoming a party wherever justice or friendship pointed out the way, by a strange reverse of temper, seemed, at this time, much more indifferent to matters, in which were involved its own immediate and dearest interests. Even the great commercial and manufacturing bodies, who must be the first to feel, and the last to lament any sinister events in the colonies, and who are generally remarkable for a quick foresight and provident sagacity in whatever regards their interest, seemed now to be sunk in the same carelessness and inattention with the rest of the people.

"Several causes concurred to produce this apparent indifference. The colony contests were no longer new. From the year 1765, they had, with but few, and those short intermissions, engaged the attention of parliament. Most of the topics on the subject were exhausted, and the vehement passions which accompanied them had subsided. The non-importation agreement, (by divisions within the colonies, which, if not caused, were much forwarded by the concessions with regard to several of the taxes laid in 1767) had broken up, before it had produced any serious consequences. Most people therefore flattered themselves, that as things had appeared so very frequently at the verge of a rupture, without actually arriving at it, that now, as formerly, some means would be found for accommodating this dispute. At worst it was conceived, that the Americans would themselves grow tired. And as an opinion was circulated with some industry and success, that a countenance of resolution, if persevered in for some time, would certainly put an end to the contest, which (it was said) had been nourished wholly by former concessions, people were in general inclined to leave the trial of the effects of perseverance and resolution, to a ministry who valued themselves on those qualities. The court had also with great tenaciousness adhered to this system for some years. It frequently got the better, not only of the regular opposition, but of parties in the ministry itself, who were from time to time inclined to relax either from fear, weariness, or change of opinion. All these things had hitherto indisposed the body of the nation from taking part in the sanguine manner they had hitherto done on other subjects, and formerly on this.

"From these causes, administration being totally disengaged at home, was at full leisure to prosecute the measures which it had designed against America, or to adopt such new ones, as the opposition there rendered necessary towards carrying the new laws into execution. The times indeed were highly favourable to any purpose, which only required the concurrence of that parliament, and the acquiescence of the people.

"Notwithstanding these favourable circum-

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" My Lords, and Gentlemen;

" His Majesty has been pleased to command me to acquaint you, that he will defer declaring the causes of calling this parliament till there shall be a Speaker of the House of Commons; and therefore, it is his Majesty's pleasure, that you, gentlemen of the House of Commons, do immediately repair to the place where the Commons usually sit, and there chuse a fit person to be your Speaker; and that you present such person, who shall be so

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stances on the one side, and that general indifference which prevailed on the other, it was not totally forgotten by either, that the time for a General Election was approaching, and that the parliament had but one session more to complete its allotted term. In some few places, where the popular spirit ran high, tests were already proposed to be signed by their future candidates, previous to their receiving any assurance, or promise of support from the electors. At a meeting of the freeholders of the county of Middlesex, a test was proposed to Mr. Wilkes and serjeant Glynne, and by them signed, in which they engaged their utmost endeavours to promote Bills for shortening the duration of parliaments, for the exclusion of placemen and pensioners from the House of Commons; for a more fair and equal representation of the people; for vindicating the injured rights of the freeholders of that county, and through them of all the electors in the kingdom; for procuring a repeal of the four late American Acts, viz. That for the province of Quebec, and the three which affected the town of Boston, and the province of Massachuset's Bay; besides binding themselves, so far as in them lay, to restore and defend that excellent form of government, which had been modelled and established at the Revolution.

" Tests, upon much the same principles, were proposed in London and some other places; and it is still the opinion of some of those, who were sanguine in that mode of proceeding, that the apprehension of its becoming general, influenced the subsequent conduct of administration to the dissolution of parliament. This opinion, however, seems ill-founded. There was no reason then to expect, nor is there now to imagine, that the mode of subscribing to tests would have become general, or even extensive. The influence of administration, in a great number of the boroughs, and in many of the counties, is at all times too well known to be called in question; and the principal and most celebrated leaders in opposition totally disclaimed all tests whatever, as unworthy of themselves, derogatory of their character as senators, and restrictive of their rights as men.

" Other more probable causes must be sought, for the measure of dissolving the parliament. The civil list was again become deeply in debt, and the distresses of the lower part of the houshold, from the withholding of their wages, were become so notorious, and so much spoken of, that it seemed disgraceful to the nation, as well as grievous to the sovereign. It was therefore thought, and probably rightly, that it was intended, in the ensuing session, not only to demand a large sum of money for the discharge of the standing debt, but also that a requisition would be made, for such a considerable and certain yearly addition to the civil list revenues, as would prevent all such mortifying applications for the future.

" Though no doubt could be entertained of the good will and compliance of the then parliament, it was, perhaps, not thought prudent, to load them with so disagreeable a task, at the eve of a general election. Recent experience had shewn, that this was a subject which would excite much general discussion; and that however a majority might, for their zeal to the ease of their sovereign, overlook all the difficulties that could be raised within doors, such a settlement, attended with the payment of a great present balance, and loaded with an entailed irredeemable future incumbrance, would not at all be satisfactory without. People are apt to be out of humour at the parting with their money, and an application for future trust and favour, in such a temper, would seem, at least, ill-timed. On the other hand, such a measure would be nothing in the hands of a new parliament, and would be worn out of memory, or become only an historical reference, at the time of their natural demise. The sinister events which have since taken place have, however, hitherto prevented the making of any requisition of this nature.

" Another motive may, perhaps, be supposed, for the measure of dissolution. That parliament had already passed the most hostile laws against America; and as they could not, with so good a grace, rescind their own acts, the minister was, in some degree, tied down to a perseverance in the support of those measures on which they were founded; whereas, in a new House of Commons, he would be somewhat at large in chusing or altering his line of conduct, as circumstances varied, and they, if necessary, might throw all the odium of those laws upon their predecessors.

" It may also be supposed, that as the issue of the American measures became every day more precarious, it was thought a right measure to have the elections over, before any unfortunate event could change the temper, or irritate the minds of the people. If this should coincide with the time of a general election, there was no doubt but the opposition must carry every thing before it. This, in all likelihood, was the strongest and most prevalent motive to this resolution, though the others might have had their share. And it may be safely concluded, that a saving to the friends of government, by curtailing the time for contest and expence, particularly in the counties,

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chosen, to his Majesty here for his royal approbation to-morrow, at two of the clock."

Then his Majesty was pleased to retire: and the Commons withdrew.

List of the House of Commons.] The following is a List of the Members of the House of Commons:

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was not at all overlooked upon this occasion. Indeed, the opposition complained that they did not receive fair play; that some places were lost by surprize; and, they said, that those in the secret had infinite advantages, by setting out betimes for the scene of action, and taking the necessary measures to strengthen their interest, before even a suspicion of the design was formed on the other side.

"However it was, very unexpectedly, and much to the surprize of the nation in general, (as it had not been a measure much practised of late years, no similar instance having occurred since the year 1746, and even that being an unique in the long reign of Geo. 2,) a proclamation was issued, on the 30th of September, for the dissolution of the parliament, and the calling of a new one, the writs for which were made returnable on the 29th day of the following November. Notwithstanding the surprize, and shortness of the time, some of the elections were contested with extraordinary perseverance and ardour.

"In London, the popular party carried every thing before them, and returned all the members. Mr. Wilkes was again elected to represent the county of Middlesex, without a shadow of opposition from the court, and lord mayor of that city for the ensuing year; and there was no doubt that the court party, grown somewhat wiser by long and bitter experience, would no longer controvert his seat. The dispute, concerning that single seat, had produced to them more troubles, vexation, and disgraces, than the contest with the twelve united colonies of America. It would have been an imprudence, of the grossest kind, to mix these disputes in the present crisis; and thus, after near 14 years struggle, it was thought the best way to leave him master of the field.

"It was said, by some of those who are curious in attending to such observations, that notwithstanding the surprize, and the shortness of the time, a greater number of the old members were thrown out than was common at general elections. However the fact might be, those who were the best acquainted with men and things, did not augur any change of system from this circumstance. The court, notwithstanding all the ill success of all the measures from which the best success was so confidently expected, seemed firmly resolved to persevere in the same course. It is said, that private advices from America encouraged them to set a light value on the public appearances." Annual Register.

A List of the House of Commons in the Fourteenth Parliament of Great Britain, which met at Westminster, Nov. 29, 1774.

Bedfordshire. John earl of Upper Ossory.--Robert Henley Ongley; created lord Ongley in Ireland, September 2, 1776.

Bedford. Sir William Wake.--Robert Sparrow; not duly elected.---Samuel Whitbread; duly elected, and ought to have been returned.

Berkshire. Christopher Griffith; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, January 14, 1776.--Win. Henry Hartley.--John Elwes.

Windsor. Augustus Keppel.--John Montagu.

Reading. Francis Annesley.-----John Dodd.

Wallingford. Sir Robert Barker; brigadier general in the East India Company's service.--John Cator.

Abingdon. John Mayor; the committee that tried this election found it a void election; and a new writ ordered, March 6, 1775.--John Mayor.

Buckinghamshire. Ralph earl Verney.---George Grenville; a teller of the Exchequer, and nephew and heir to earl Temple, to whose title and estate he succeeded, and the Speaker issued his warrant to the clerk of the crown for a new writ, October 9, 1779.--Thomas Grenville; an ensign in the foot guards, and brother to earl Temple.

Buckingham. James Grenville, jun.--Richard Grenville; has a company in the foot guards.

Chipping Wycombe. Thomas Fitzmaurice; brother to the earl of Shelburne.--Robert Waller.

Aylesbury. Anthony Bacon.--John Aubrey; eldest son of sir Thomas Aubrey, bart.

Agmondesham. William Drake, sen.---William Drake, jun.

Wendover. Joseph Bullock; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, 1775.--Thomas Dummer.--John Adams; made his election for the borough of Caermarthen; a new writ ordered, December 20, 1774.--Henry Drummond; a banker in Westminster.

Great Marlow. William Clayton.--John Borlace Warren; created a baronet, May 20, 1775; made a master and commander, and afterwards a post captain in the royal navy.

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CAMBRIDGESHIRE. Sir Sampson Gideon.--Sir John Hinde Cotton.

Univ. of Cambridge. Charles marquis of Granby; grandson and heir to the duke of Rutland; on whose death he became duke of Rutland; a new writ ordered, May 1779.--James Mansfield; appointed solicitor-general to his majesty on the dissolution of this 14th parliament. --Richard Croftes.

Town of Cambridge. Soame Jenyns.--C. Sloan Cadogan; succeeded his father as lord Cadogan; a new writ ordered, November 1, 1776.--Benjamin Keene; son of the bishop of Ely.

CHESHIRE. John Crewe.--Samuel Egerton; died, a new writ ordered, February 14, 1780.--Sir R. Salusbury Cotton.

Chester. Thomas Grosvenor.--R. Wilbraham Bootle.

CORNWALL. Sir William Lemon.--Sir John Molesworth; died, a new writ ordered, October 1775.---Edward Eliot; receiver-general of the duchy of Cornwall; in this parliament before for St. Germain's.

Launceston. John Buller.--H. Morrice.

Leskard. Edward Gibbon; author of the celebrated History of the "Decline and Fall of the Roman empire;" made a commissioner of trade and plantations; a new writ ordered, June 3, 1779, he was re-elected.--Samuel Salt.

Lestwithiel. Arthur lord viscount Fairford; only son to the earl of Hillsborough.--Charles Brett; made steward of the three Chiltern Hundreds in the county of Buckingham, a new writ ordered, 1776; he was afterwards in this parliament for Sandwich.--Thomas Potter; appointed one of the Welsh judges; a new writ ordered, June 2, 1778, he was re-elected.

Truro. Bamber Gascoyne; a commissioner of trade and plantations; made a commissioner of the admiralty; a new writ issued, June 3, 1779, he was re-elected.--George Boscawen; son to lieutenant-general George Boscawen, and a captain in the horse guards.

Bodmyn. James Laroche; created a baronet of Great Britain, August 24, 1776. --George Hunt.

Helston. (D. R.) Francis marq. of Carmarthen; son of the duke of Leeds, not duly elected.----Francis Owen; not duly elected.--F. Cockayne Cust; uncle to sir Brownlow Cust, bart. counsel to the admiralty and navy, and one of his majesty's counsellors at law; duly elected.--Philip Yorke; duly elected.

Saltash. Grey Cooper; joint secretary to the treasury.--Thomas Bradshaw; died, a new writ ordered, November 18, 1774.--Sir Charles Whitworth; lieutenant-governor of Tilbury Fort; chairman of the committees of ways and means, and treasurer of the Foundling hospital; in this parliament before for Eastlooe; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, September 22, 1778.--Henry Strachey; storekeeper of the ordnance; in this parliament before for Bishop's Castle; made steward of the three Chiltern Hundreds in the county of Buckinghamshire; a new writ ordered, July 1780, he was chosen for Bishop's Castle.--Paul Fielding.

Camelford. John Amyand; a merchant in London; brother to sir George Amyand, bart.; died June 5, 1780; no new writ was issued.--Francis Herne; died, and the Speaker issued his warrant to the clerk of the crown, October 1776.--Sir Ralph Payne; made one of the clerks comptrollers of the board of green cloth; a new writ ordered, June 5, 1777, he was re-chosen.

Westlooe. William James; a director of the East India Company, and an elder brother of the Trinity house; created a baronet of Great Britain, July 25, 1778. --Charles Ogilvie; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1775.--John Rogers.

Grampound. Sir J. Yorke; brother to the earl of Hardwicke; ambassador extraordinary and plenipotentiary to the States General; colonel of a regiment of dragoons; a lieutenant-general; a knight of the bath, and a member of the most honourable privy council.--Richard Ald. Neville.

Eastlooe. John Buller.----Sir Charles Whitworth; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1774, he was chosen for Saltash.--Thomas Graves; a captain in the navy; made steward of the three Chiltern Hundreds; a new writ ordered, 1775; created lord Graves.----William Graves; a master in chancery; brother to Thomas Graves, esq.

Penryn. Sir George Osborne; has a company in the foot guards, and groom of the bedchamber to the king.--William Chaytor.

Tregony. George Lane Parker; brother to the earl of Macclesfield, and colonel of a regiment of foot, and a major-general.---Alexander Leith; created a baronet, November 11, 1775.

Bossiney. John lord viscount Mountstuart; lord lieutenant of Glamorganshire, and one of the auditors of the

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imprest in reversion; created baron Cardiff of Cardiff-castle, in the county of Glamorgan; a new writ ordered, May 1776.---Charles Stuart; fourth son to the earl of Bute; a lieutenant-colonel of a regiment of foot.--Henry L. Luttrell; eldest son to lord Irnham of Ireland; lieutenant-colonel of horse, and adjutant-general to the land forces in Ireland.

St. Ives. William Praed; found not duly elected; a new writ ordered, May 8, 1775.--Sir Thomas Wynn; lord lieutenant of Carnarvonshire; auditor of the revenue of Wales; created lord Newborough of Ireland, July 27, 1776. --Adam Drummond; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, December 1778: in this parliament afterwards for Aberdeen, Montrose, &c.--Philip Dehany.

Fowey. Philip Rashleigh.---Molineux Shuldham; a captain in the navy; made governor and commander in chief of Newfoundland in 1772; made rear-admiral of the squadron of his majesty's fleet in March 1775; made commander in chief of his majesty's fleet in North America; created lord baron Shuldham of Ireland, July 31, 1776.

St. Germains. Benjamin L'Anglois; made storekeeper of the ordnance; a new writ ordered, June 5, 1778, he was re-chosen; appointed under secretary to lord viscount Stormont, one of his majesty's principal secretaries of state. --Edward Eliot; receiver-general to the duchy of Cornwall, and a commissioner of trade and plantations; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, November 1775; he was chosen for the county of Cornwall.--John Pownal; secretary to the board of trade and plantations; made a commissioner of excise; a new writ ordered, May 28, 1776.--John Peachy; son of sir James Peachy, bart.

St. Michael's. James Scawen; made his election for the county of Surrey; a new writ ordered, December 20, 1774. --Thomas Howard; a barrister at law, and uncle to the earl of Suffolk; succeeded his grand-nephew as earl of Suffolk and Berkshire; the Speaker issued his warrant for a new writ to the clerk of the crown, September 13, 1779. --Francis Hale.--John Stephenson.

Newport. H. Morrice; made his election for Launceston; a new writ ordered, December 21, 1774.--John Frederick; son of sir John Frederick, bart. --Richard Bull.

St. Mawes. R. Craggs, lord viscount Clare; of Ireland; one of the vice-treasurers of Ireland; created earl Nugent in Ireland, July 2, 1776.--Hugh Boscawen.

Callington. John D. Ackland; eldest son to sir Thomas D. Ackland, bart.; a major in the army; died, a new writ ordered, November 26, 1778.--George Stratton; his election declared void by the committee, and a new writ ordered, February 1779.---George Stratton.--- William Skryne.

CUMBERLAND. Sir James Lowther.---Henry Fletcher.

Carlisle. Fletcher Norton; third son to sir Fletcher Norton, knt.; a counsellor at law; made steward of the manor of East Hendred in Berkshire; a new writ ordered, February 1775.--Walter Stanhope; took the name of Spencer this parliament.--Anthony Storer.

Cockermouth. Fletcher Norton; made his election for Carlisle.--Ralph Gowland.---George Johnstone; made his election for Appulby; a new writ ordered, December 4, 1774.----James Adair; a serjeant at law.

DERBYSHIRE. Lord George Cavendish.--Godfrey Bagnal Clarke; died, and the Speaker issued his warrant to the clerk of crown for a new writ, November 1774.--Nathaniel Curzon; eldest son of lord Scarsdale.

Derby. Lord Fred. Cavendish.--Wenman Coke; made his election for the county of Norfolk; a new writ ordered, December 1774.--John Gisborne; not duly elected.--Daniel Parker Coke; duly elected, and ought to have been returned.

DEVONSHIRE. John Parker.----Sir R. W. Bampfylde; died, and the Speaker issued his warrant for a new writ to the clerk of the crown, August 1776.--John Rolle Walter; in this parliament before for Exeter; died, a new writ ordered, December 6, 1779.--John Rolle.

Exeter. Charles W. Bampfylde; eldest son of sir Richard Warwick Bampfylde, bart. to whose title he succeeded in 1776.----John Rolle Walter; made steward of the Chiltern Hundreds, a new writ ordered, October 1, 1776.--John Baring.

Totness. James Amyatt.---Sir P. Jenn. Clarke; created a baronet, October 26, 1774.

Plymouth. Will. W. viscount Barrington; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, January 1778.--George viscount Lewisham; eldest son to the earl of Dartmouth.--Sir Charles Har-

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dy; died, a new writ ordered, May 20, 1780.--Sir F. Leman Rogers.

Oakhampton. Richard Vernon; brother-in-law to earl Gower; a clerk of the board of green cloth.--Alexander Wedderburn; his majesty's solicitor-general; made attorney-general; a new writ ordered, June 5, 1778, he was chosen for Bishop's Castle.--Humphry Minchin.

Barnstaple. Will. Devaynes; an East India director.--John Cleveland.

Plympton Earle. Paul Henry Gurry; made resident commissioner of the dock yard at Plymouth: a new writ ordered, February 1775.--John Durand; a merchant in London, and an elder brother of the Trinity house.--Sir Richard Phillips; created lord Milford in the kingdom of Ireland, July 2, 1776; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, April 2, 1779.--William Fullarton; under secretary to lord viscount Stormont, one of his majesty's principal secretaries of state; made lieutenant-colonel-commandant of a battalion of foot.

Honiton. Lawrence Cox.---Sir George Yonge.

Tavistock. Richard Rigby.--Rich. Fitzpatrick; brother to the earl of Upper Ossory of the kingdom of Ireland; a captain in the foot guards.

Ashburton. Robert Palk.--Charles Boone.

Dartmouth. Richard viscount Howe; made vice-admiral of the blue; appointed commander in chief of the fleet in North America, and one of his majesty's commissioners for making peace with the rebellious colonies, May 7, 1776.--Richard Hopkins.

Beeralston. Sir Francis H. Drake.---George Hobart.

Tiverton. Nathaniel Ryder; called up to the House of Peers as baron Harrowby of Harrowby in the county of Lincoln; a new writ ordered, May 16, 1776.--John Wilmot; eldest son to the late lord chief justice of the Common Pleas, sir John Eardly Wilmot, knt.; a master in chancery.--Sir John Duntz.

DORSETSHIRE. George Pitt, jun.; eldest son of lord Rivers, the late member.--Humphry Sturt.

Poole. Sir Eyre Coote; colonel of a regiment of foot; K. B. and a major-general.--Joshua Mauger.

Dorchester. John Damer.-----William Ewer.

Lyme Regis. Henry Fane; died, a new writ ordered, June 5, 1777.--Francis Fane.--Henry Fane.

Weymouth and Melcomb Regis. W. Ellis; one of the vice-treasurers of Ireland; made treasurer of the navy; a new writ ordered, June 5, 1777, he was re-elected.--John Purling.--William Chaffin Grove.--John Tucker; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, June 5, 1778.--Gabriel Steward; paymaster of the marine forces.

Bridport. Lucius F. Cary; only son of lord viscount Falkland; a lieutenant-colonel in the army.--Thomas Coventry.

Shaftesbury. Francis Sykes; not duly elected.--Thomas Rumbold; not duly elected.--Hans W. Mortimer; found to have been duly elected, and ought to have been returned, April 25, 1775. The House having rescinded their resolutions against Messrs. Sykes and Rumbold, a new writ ordered, November 1776.--George Rous.

Wareham. W. G. Hamilton; chancellor of the Exchequer in Ireland.--Christopher D'Oyley; under secretary to lord George Germaine, one of his majesty's principal secretaries of state; appointed commissary-general of musters; a new writ ordered, June 1776, he was re-elected.

Corfe Castle. John Jenkinson.---John Bond.

DURHAM. Sir John Eden.--Sir Thomas Clavering.

Durham. John Tempest.--John Lambton.

ESSEX. John Conyers; verdurer of Epping Forest; died, a new writ ordered, October 3, 1775.--William Harvey; died, a new writ ordered, April 1779.--Tho. B. Brampstone.--John Luther.

Colchester. Charles Gray.--Isaac Martin Rebow.

Malden. Richard S. Nassau; brother to the earl of Rochford, and one of the clerks of the board of green cloth; died, a new writ ordered, May 22, 1780.--Eliab Harvey; a master and commander in the navy.--John Strutt.

Harwich. Edward Harvey; adjutant-general; colonel of dragoons, and governor of Portsmouth; died, a new writ ordered, April 16, 1778.--George A. North; eldest son to lord North; secretary to the Chancellor of the Exchequer; secretary and comptroller to the queen, and colonel of the regiment of the Cinque-Port volunteers.---John Robinson; joint secretary to the treasury.

GLOUCESTERSHIRE. Edward Southwell; called up to the House of Peers as lord Clif-

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ford; a new writ ordered, April 25, 1776.--William B. Chester.--Sir William Guise.

Gloucester. George A. Selwyn.--Charles Barrow.

Cirencester. James Whitshed.--Samuel Blackwell.

Tewkesbury. Sir W. Codrington.--Joseph Martin; died, a new writ ordered, April 2, 1776.--James Martin.

HEREFORDSHIRE. Sir George Cornewall.--Thomas Foley, sen.; called up to the House of Peers as lord Foley of Kidderminster in the county of Worcester; a new writ ordered, May, 12, 1776.--Thomas Harley; brother to the earl of Oxford; a merchant and an alderman of the city of London, and one of his majesty's most honourable privy council.

Hereford. Sir Richard Symons.--John Scudamore.

Leominster. Thomas Hill; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, September 1776.--Frederick Cornwall; a captain in the navy.--John lord viscount Bateman.

Weobly. Sir William Lynch; envoy extraordinary at the court of Turin; a privy counsellor and K. B.; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, 1789.--Andrew Bayntun; eldest son of sir Edward Bayntun, bart.--John St. Leger Douglas.

HERTFORDSHIRE. William Plumer.--Thomas Halsey.

St. Albans. Sir Richard Sutton.--John Radcliffe.

Hertford. John Calvert.--Paul Fielde.

HUNTINGDONSHIRE. Peter earl Ludlow.--John lord viscount Hinchingbroke.

Huntingdon. George Wombwell; a director of the East India Company, and a merchant in London; created a baronet, July 25, 1778.--William A. Montagu; died, a new writ ordered, January 1776.--C. John, lord Mulgrave; of the kingdom of Ireland; a captain in the navy; made a commissioner of the admiralty; a new writ ordered, December 12, 1777, he was re-elected.

KENT. Charles Marsham; eldest son to lord Romney, now earl of Romney.--Thomas Knight, jun.

Canterbury. Richard Milles.--Sir William Mayne; created baron Newhaven of Carrickmayne in the kingdom of Ireland, September 2, 1776.

Rochester. George F. Hatton.--Robert Gregory; a director of the East India Company.

Maidstone. Heneage lord Guernsey; eldest son of the earl of Aylesford, to whose title he succeeded; a new writ ordered, May 9, 1777.--Charles Finch; next brother to the earl of Aylesford; before in this parliament for Castle Rising.--Sir Horace Mann.

Queenborough. Sir W. Rawlinson; an alderman of the city of London.--Sir Charles Frederick.

LANCASHIRE. E. Smith, lord Stanley; grandson and heir of the earl of Derby, to whose title he succeeded, a new writ ordered, February 25, 1776.--Thomas Stanley; brother to the earl of Derby; a captain of dragoons; made major of the Liverpool regiment, and died at Jamaica; a new writ ordered, January 24, 1780.--Thomas Stanley.--Sir Thomas Egerton.

Preston. John Burgoyne; made a major-general, August the 29th, 1777.--Sir Henry Hoghton.

Lancaster. Lord Rich. Cavendish.--Sir George Warren.

Newton. Robert V. A. Gwillim.--Anthony J. Keck.

Wigan. George Byng.--Beaumont Hotham; made a baron of the court of Exchequer; a new writ ordered, May 1775.--John Morton; chief justice of Chester; attorney-general to the queen, and deputy high steward of Oxford; died, and the Speaker issued his warrant for a new writ to the clerk of the crown, August 25, 1780.--Henry S. Bridgman; eldest son of sir Henry Bridgman, bart.

Clithero. Thomas Lister.--Asheton Curzon.

Liverpool. Richard Pennant; created lord Penryn of the kingdom of Ireland, November 19, 1783.--Sir W. Meredith.

LEICESTERSHIRE. Sir John Palmer.--Thomas Noel; succeeded his father as lord viscount Wentworth, a new writ ordered, December 20, 1774.----John Peach Hungerford.

Leicester. Booth Grey.--John Darker.

LINCOLNSHIRE. Lord Brownlow Bertie; succeeded his nephew as duke of Ancaster and Kesteven; a new writ ordered, November 26, 1779.--Sir John Thorold.--Charles A. Pelham.

Lincoln. G. Aug. lord viscount Lumley; eldest son of the earl of Scarborough.--Robert Vyner.

Boston. Lord Robert Bertie; died, a new writ ordered, April 25, 1777.---Charles Amcotts; made a general of horse; died, a new writ ordered, March 12, 1782.--Humphry Sibthorpe.

Great Grimsby. Evelyn Anderson; bro-

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ther to the member for Lincolnshire; coruet of dragoons; made a lieutenant in the foot guards.--Joseph Mellish.

Stamford. Henry Cecil; nephew and heir to the earl of Exeter.--Sir George Howard.

Grantham. Lord George Sutton.--Sir Brownlow Cust; created baron Brownlow of Belton in the county of Lincoln; a new writ ordered, May 14, 1776.--Peregrine Cust; uncle to lord Brownlow; a merchant in London.

MIDDLESEX. John Wilkes.--John Glynn; an alderman of London, lord mayor in 1775. Died, and the Speaker issued his warrant to the clerk of the crown for a new writ, October 10, 1779.--Thomas Wood.

Westminster. Lord Thomas P. Clinton; second son of the duke of Newcastle; has a company in the foot guards.--Hugh earl Percy; on the death of his mother, he succeeded to the ancient barony of Percy, and was called up to the House of Lords; a new writ ordered, December 1776.--Charles viscount Petersham; eldest son of the earl of Harrington; a captain in the army; made captain of a company in the foot guards; succeeded his father as earl of Harrington; a new writ ordered, April 1779.--George viscount Malden; eldest son of the earl of Essex.

London. Richard Oliver.----Frederick Bull; lord mayor in 1774.--John Sawbridge; lord mayor of London in 1776.--George Hayley; an alderman of London.

MONMOUTHSHIRE. John Morgan.--John Hanbury.

Monmouth. Sir John Stepney.

NORFOLK. Thomas de Grey; surveyor of the woods in the duchy of Lancaster; died, a new writ ordered, April 13, 1776.--Thomas W. Coke.--Sir Edward Astley.

Norwich. Sir Harbord Harbord.---Edward Bacon.

Lynn Regis. Crisp Molineux.--Thomas Walpole.

Yarmouth. Richard Walpole.---Charles Townshend; made one of the vice-treasurers of Ireland; a new writ ordered, June 5, 1777, he was re-elected.

Thetford. Charles Fitzroy; brother to the duke of Grafton; colonel of a regiment of dragoons; a major-general and vice-chamberlain to the queen. On the dissolution of this parliament he was created lord Southampton.--Charles F. Scudamore; deputy ranger of Whittlebury forest, and cursitor in the court of chancery in Ireland.

Castle-Rising. Alex. Wedderburn; solicitor-general to his majesty; made his election for Oakhampton, a new writ ordered, December 23, 1774.--Charles Finch; second son of the earl of Aylesford; made steward of the three Chiltern Hundreds, in the county of Bucks; a new writ ordered, May 15, 1777, he was chosen for Maidstone.--John Chet. Talbot; nephew and heir to earl Talbot.--Robert Macreth.

NORTHAMPTONSHIRE. Lucy Knightley.--Thomas Powys.

Peterborough. Matthew Wyldbore.---Richard Benyon.

Northampton. Wilbr. Tollemache.--Sir George Robinson.

Brackley. William Egerton.--Timothy Caswell.

Higham-Ferrers. Frederick Montagu.

NORTHUMBERLAND. Lord Algernon Percy; second son of the duke of Northumberland.--Sir William Middleton.

Newcastle upon Tyne. Sir Walter Blacket; died, a new writ ordered, February 15, 1777.--Sir John Trevelyan.--Sir Matthew W. Ridley; son of the late member.

Morpeth. Francis Eyre; not duly elected, January 27, 1775.--William Byron; only son of lord Byron; found to be duly elected, and ought to have been returned; but Mr. Eyre left at liberty to petition against him, if he thought proper; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, July 14, 1776.--Gilbert Elliot; eldest son of the right hon. sir Gilbert Elliot, bart. to whose title he succeeded, January 14, 1777; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, February 1777, he was chosen for Roxburghshire.--John Wm. Egerton; eldest son of the bishop of Durham; a captain of dragoons.--Peter Delmé.

Berwick upon Tweed. John Vaughan; brother to the earl of Lisburne; a lieutenant-colonel in the army; made colonel of a regiment of foot, and a major general; made governor of Fort William, and in 1780 made governor of Berwick upon Tweed.--Jacob Wilkinson; a merchant in London.

NOTTINGHAMSHIRE. Thomas Willoughby; succeeded his brother as lord Middleton; a new writ ordered, December 1774.--Lord E. C. C. Bentinck; only brother to the duke of Portland.--Henry, earl of Lincoln; eldest son of the duke of Newcastle; died, a new writ ordered, November 26, 1778.--Charles Medows.

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Nottingham. William Howe; made commander in chief of his majesty's land forces in North America; a general in that country, and one of his majesty's commissioners for making peace with the rebellious colonies; made a K. B.---Sir Charles Sedley; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, September 10, 1778.--Abel Smith; a banker in Nottingham; in this parliament before for Aldborough in Yorkshire; died, a new writ ordered, 1779.--Robert Smith; a banker in Nottingham.

East Retford. Lord Thomas P. Clinton; second son of the duke of Newcastle; a captain of dragoons; made his election for Westminster; a new writ ordered, January 27, 1775.--William Hanger; next brother to lord Coleraine of the kingdom of Ireland; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, 1778, he was chosen for Aldborough in Yorkshire.---Lord John P. Clinton; third son of the duke of Newcastle.--Sir Cecil Wray.

Newark. George Sutton; eldest son of lord George Sutton.--Henry Clinton; cousin to the duke of Newcastle; colonel of a regiment of foot; a major-general, and groom of the bedchamber to the duke of Gloucester; made governor of Limerick in Ireland; colonel of a regiment of dragoons, and a K. B.; appointed commander in chief of his majesty's land forces in North America, and one of his majesty's commissioners for treating of peace with the rebellious colonies.

OXFORDSHIRE. Philip lord viscount Wenman.--Lord Charles Spencer; verdurer of Whichwood forest, in the county of Oxford; and a commissioner of the admiralty.

Oxford University. Sir Roger Newdigate.--Francis Page.

Oxford. Peregrine Bertie; brother to the earl of Abingdon; a captain in the navy.--Lord Robert Spencer.

Woodstock. John Skynner; made lord chief baron of the court of Exchequer; a new writ ordered, November 27, 1777.--George viscount Parker, eldest son of the earl of Macclesfield; made a lord of the bedchamber to the prince of Wales.--William Eden; under secretary to the earl of Suffolk, one of his majesty's principal secretaries of state, and auditor of Greenwich hospital; made a commissioner of trade and plantations; a new writ ordered, March 1776, he was re-elected; made one of the commissioners to treat, consult, and agree upon the means of quieting the disorders subsisting in certain of his majesty's colonies, plantations, and provinces in North America, April 13, 1779.

Banbury. Frederick lord North; made lord warden of the Cinque Ports; a new writ ordered, June 5, 1778, he was re-elected.

RUTLANDSHIRE. George B. Brudenell.--Thomas Noel.

SALOP. Noel Hill.--Charles Baldwin.

Shrewsbury. Robert lord Clive; died, a new writ ordered, November 25, 1774.---Thomas Corbett.---Charlton Leighton; not duly elected.--William Pulteney; duly elected, and ought to have been returned; second son of sir James Johnstone, bart.

Bridgenorth. Thomas Whitmore.--Geo. lord Pigot; made governor of Fort St. George or Madras in the East Indies; a new writ ordered, 1778.--Hugh Pigot; second brother of lord Pigot, vice-admiral of the white.

Ludlow. Edward Clive; eldest son of lord Clive.--George viscount Villiers; only son of the countess of Grandison in Ireland.

Great Wenlock. George Forester.--Sir Henry Bridgman.

Bishop's Castle. George Clive.--William Clive; died, a new writ ordered, April 1779.--Henry Strachey; made secretary to the commissioners appointed for restoring peace to his majesty's colonies in North America; made storekeeper to the ordnance; a new writ ordered, June 5, 1778.---Alexander Wedderburn; attorney-general to his majesty; in this parliament before for Oakhampton; made lord chief justice of the court of Common Pleas, and the day following created baron Loughborough of Loughborough in the county of Leicester; a new writ ordered, June 1, 1780.--Henry Strachey.

SOMERSETSHIRE. Edward Phelips.--Richard Hipes. Coxe.

Bristol. Henry Cruger.--Edmund Burke.

Bath. Abel Moysey.---John Smith; died, a new writ ordered, November 15, 1775.--Sir John S. Sebright; colonel of a regiment of foot and a lieutenant-general.

Wells. Robert Child.--Clement Tudway.

Taunton. Ed. Stratford; eldest son of lord Baltinglass in Ireland; not duly elected.---Alexander Popham; duly elected, and ought to have been returned.---Nathaniel Webb; not duly elected.--John Halliday; duly elected, and ought to have been returned.

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Bridgewater. Anne Poulett.--Benjamin Allen.

Minchead. Henry F. Luttrell; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, December 1774.----Thomas Pownall.--John F. Luttrell.

Ilchester. Peregrine Cust; not duly elected.--Nathaniel Webb; duly elected, and ought to have been returned.--William Innes; not duly elected.--O. Salusbury Brereton; duly elected, and ought to have been returned; constable of Flint castle.

Milborn Port. (D. R.) Edward Walter; I. H. Browne; not duly elected.--Temple Luttrell; third son of lord Irnham of Ireland; a counsellor at law.--Charles Wolseley; second son of sir William Wolseley, bart.; a captain in the navy. These two last duly elected, and ought to have been returned.

SOUTHAMPTON. Sir Henry P. St. John.--Sir Simeon Stuart; died, a new writ ordered, November 29, 1779.--Jervoise C. Jervoise; in this parliament before for Yarmouth in this county.

Winchester. Lovel Stanhope; uncle to the earl of Chesterfield.--Henry Penton; made a commissioner of the admiralty; a new writ ordered, December 21, 1774, he was re-elected.

Southampton. John Fleming.----Hans Stanley; made cofferer of his majesty's household; a new writ ordered, November 1, 1776, he was re-elected; died, a new writ ordered, January 24, 1780.--John Fuller.

Portsmouth. Peter Taylor; died, a new writ ordered, November 1777.---Sir William Gordon.----Sir E. Hawke; created baron Hawke of Towton in the county of York; a new writ ordered, May 22, 1776.--Maurice Suckling; a captain in the navy, and comptroller of the navy; died, and the Speaker issued his warrant for a new writ, August 2, 1778.---Robert Monckton; uncle to viscount Galway of Ireland; governor of Portsmouth; colonel of a regiment of foot, and a lieutenant-general.

Yarmouth. (I. W.) Jervoise Clarke; one of the gentlemen of the king's privy chamber; vacated his seat by his accepting of the agency of the Sussex militia; a new writ ordered, December 1779, he was elected for the county; took the name of Jervoise in .--Robert Kingsmill; a captain in the navy.--Edw. Meux Worsley; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1781.--James Worsley.

Petersfield. William Jolliffe.--Sir Abraham Hume.

Newport. (I. W.) Hans Sloane.---Sir Richard Worsley; made a clerk comptroller of the board of green cloth; a new writ ordered, December 1777, he was re-elected; made comptroller of his majesty's household, and governor of the Isle of Wight; a new writ ordered, January 24, 1780, he was re-elected.

Stockbridge. Simon lord Irnham of the kingdom of Ireland; created viscount Carhampton in the same kingdom, 1776.--John Luttrell; second son of lord Irnham; a captain in the navy; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1775. James Luttrell; fourth son of lord Irnham; a lieutenant in the navy.

Newton. (I. W.) Sir John Barrington; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1775. Edward Meux Worsley.----Harcourt Powell; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, 1775.--Charles Ambler.

Christ-Church. James Harris; secretary and comptroller to the queen.--T. Villiers Hyde; eldest son of lord Hyde; from the 14th of June 1777, he was styled lord Hyde, his father being then created earl of Clarendon; made steward and bailiff of the three Chiltern Hundreds in the county of Buckingham; a new writ issued, June 1779. He stood candidate for Cambridge University, but not making his election, he was again re-elected.

Lymington. Edward Morant.--Sir Harry Burrard; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, January 1779.--Henry Goodricke.

Whitchurch. George viscount Middleton; of Ireland.--T. Townshend.

Andover. Benjamin Lethuiellier.---Sir John Griffin Griffin; called up to the House of Peers to the barony of Howard of Walden; a new writ ordered.

STAFFORDSHIRE. Sir John Wrottesley.--Sir William Bagot; on the dissolution of this parliament he was created baron Bagot of Bagot's Bromley in the county of Stafford.

Litchfield. Thomas Gilbert.---George Anson.

Stafford. Hugo Meynell; master of the stag hounds.--Richard Whitworth.

Newcastle-under-Line. Sir George Hay; died, and the Speaker issued his warrant to the clerk of the crown for a new writ,

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September 1778.----George viscount Trentham; eldest son of earl Gower.--George viscount Chewton; eldest son of earl Waldegrave.

Tamworth. Thomas de Grey; only son of lord chief justice de Grey; one of the grooms of his majesty's bedchamber; made a commissioner of trade and plantations; a new writ ordered, June 5, 1777, he was re-elected.--Edward Thurlow; on the 2d of June 1778, his majesty was pleased to create him baron Thurlow of Ashfield in the county of Sussex, and the next day he was appointed lord high chancellor of Great Britain; a new writ ordered, June 5, 1778.--Anthony Chamier; deputy secretary at war; appointed under secretary to lord viscount Weymouth, one of his majesty's principal secretaries of state.

SUFFOLK. Rowland Holt.--Sir C. T. Bunbury.

Ipswich. Thomas Staunton.---William Wollaston.

Dunwich. Miles Barne; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1777.--Barne Barne.--Gerrard W. Van Neck; succeeded his father as baronet in 1777.

Orford. Francis viscount Beauchamp; made cofferer of the household; a new writ ordered, January 28, 1780, he was re-elected.--Robert S. Conway.

Aldborough. Thomas Fonnereau; died, a new writ ordered, May 22, 1779.--Martin Fonnereau.--Richard Combe.

Sudbury. Thomas Fonnereau; not duly elected.--Sir Patrick Blake; duly elected, and ought to have been returned.--Philip C. Crespigney; not duly elected.--Sir Walden Hanmer; duly elected, and ought to have been returned.

Eye. John St. John; brother of viscount Bolingbroke; made surveyor-general of the crown lands; a new writ ordered, 1775, he was re-elected.--Rich. B. Phillipson; made colonel of a regiment of dragoons in 1781.

St. Edmund's Bury. A. John Hervey; succeeded his brother as earl of Bristol; a new writ ordered, March 1775.--H. S. Conway; brother to the earl of Hertford; a general in the army; colonel of the royal regiment of horse guards, and governor of the island of Jersey.--Sir Charles Davers; a captain in the army on half-pay.

SURREY. James Scawen.--Sir Francis Vincent; died, a new writ ordered, May 1775.--Sir Joseph Mawbey.

Southwark. Henry Thrale.--Nathaniel Polhill.

Blechingly. Frederick Standart.----Sir Robert Clayton.

Ryegate. John Yorke.----Sir Charles Cocks.

Guilford. George Onslow.--Sir F. Norton; again chosen Speaker.

Gatton. Sir William Mayne; made his election for Canterbury.---Robert Mayne; brother to sir William Mayne; a banker in London.---Robert Scott; made his election for Wotton Basset.--William Adam.

Haslemere. Sir Merrick Burrell.--Thomas M. Molyneux; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, October 1776.--Peter Burrell.

SUSSEX. Sir Thomas S. Wilson; has a company in the foot guards, and aid-du-camp to the king; made colonel of a regiment of foot.--Lord George H. Lenox; made a lieutenant-general in August 1777.

Chichester. William Keppel; made a lieutenant-general in May 1772, and colonel of a regiment of dragoons in 1775.--Thomas Conolly.

Horsham. James Wallace; made solicitor-general to his majesty; a new writ ordered, June 5, 1778, he was re-elected; made solicitor-general to his majesty; a new writ ordered, June 1780, he was re-elected.----Jeremiah Dyson; cofferer of the household; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, September 1776.--Charles earl of Drogheda; of the kingdom of Ireland; a major-general, and colonel of a regiment of dragoons; master-general of the ordnance; constable of Maryborough castle in Ireland.

Midhurst. Herbert Mackworth; made his election for Cardiff; a new writ ordered, December 20, 1774.--Henry S. Conway; second son of the earl of Hertford; clerk of the hanaper in Ireland, and constable of Dublin castle.--Clement Tudway; made his election for Wells; a new writ ordered, December 20, 1774.--John Ord; made attorney-general of the duchy of Lancaster; a new writ ordered, December 1777, he was re-elected; made a master in chancery in March 1778. On the death of sir Charles Whitworth, he was appointed chairman of the committees of ways and means.

Lewes. Sir Thomas Miller.---Thomas Hay.

Shoreham. Charles Goring.---Sir John Shelley; treasurer of the household; keeper of the records in the Tower, and clerk of the pipe in the Exchequer.

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Bramber. Thomas Thoroton.--Sir Henry Gough.

Steyning. Thomas E. Freeman.--Filmer Honywood.

East Grinsted. Lord George S. Germaine.--John Irwin; in 1775, made commander in chief of the land forces in Ireland; governor of Kilmainham hospital, and sworn of the privy counsel there; in 1776 made a knight of the bath.

Arundel. Thomas Brand.--George L. Newnham; one of his majesty's counsellors at law.

WARWICKSHIRE. Sir Charles Holte.--Thomas G. Skipwith.

Coventry. Walter Waring; died, a new writ ordered, December 1779.--John B. Holroyd; lieutenant-colonel-commandant of a regiment of light horse.--Edward Roe Yeo.

Warwick. Charles F. Greville; one of the commissioners of the admiralty.--Robert F. Greville; second brother to the earl of Warwick; a lieutenant in the foot guards.

WESTMORELAND. Sir James Lowther; made his election for Cumberland; a new writ ordered, December 1774.--James Lowther.--Sir Michael Le Fleming.

Appleby. George Johnstone; a captain in the navy.--Philip Honywood.

WILTSHIRE. Charles Penruddock.--Ambrose Goddard.

New Sarum. J. Pleydell, viscount Folkstone; succeeded as earl of Radnor, a new writ ordered, February 1776.--W. H. Bouverie; brother to the earl of Radnor.--William Hussey.

Wilton. Henry Herbert; on the dissolution of this parliament he was created baron Portchester of Highclere in the county of Southampton, and since that earl of Carnarvon.--Nicholas Herbert; died, a new writ ordered, February 1775.---Charles Herbert; brother of Henry Herbert, a captain in the navy; this he resigned in 1776; made one of the grooms of his majesty's bedchamber; a new writ ordered, June 5, 1777, he was re-elected.

Downton. Thomas Duncombe; not duly elected.--Sir Philip Hales; groom of his majesty's bedchamber; duly elected, and ought to have been returned.--Thomas Dummer; not duly elected.--John Cooper; duly elected, and ought to have been returned; died, and the Speaker issued his warrant to the clerk of the crown to make out a new writ, August 25, 1779.--Thomas Duncombe; died, a new writ ordered, November 1779.--Barth. Bouverie; brother to the earl of Radnor, not duly elected.--Robert Shaftoe; duly elected, and ought to have been returned.

Hindon. Richard Smith; not duly elected, 1774, and the House ordered that no new writ should be issued; a writ ordered, May 9, 1776.--Richard Smith; not duly elected, a new writ ordered, February 1777.--Arch. Macdonald; king's counsel at law.--Thomas Brand Hollis; not duly elected, 1774, and the House ordered that no new writ should be issued; a new writ ordered, May 9, 1776.--Henry Dawkins.

Heytesbury. William Gordon; brother to the earl of Aberdeen; a lieutenant-colonel in the army; made colonel of a regiment of foot; made a groom of the bedchamber to his majesty; a new writ ordered, March 1775, he was re-elected. --W. A'Court Ashe.

Westbury. Thomas F. Wenman; brother of viscount Wenman.--Nathaniel Bayley; made steward or bailiff of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1779.--Samuel Estwick; agent for the island of Barbadoes.

Calne. John Dunning.--Isaac Barré.

Devizes. James Sutton.--Charles Garth.

Chippenham. Sir Edward Bayn. Rolt.--Samuel Marsh.

Malmesbury. Charles Jas. Fox; brother to lord Holland; made clerk of the pells in Ireland; a new writ ordered, November 17, 1774, he was re-elected; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1774, he was re-elected; receiver-general of South Wales, and captain of Walmer castle in the county of Kent.--William Strahan; printer to his majesty.

Cricklade. Arnold Nesbitt; died, a new writ ordered, April 1779.------John M'Pherson.---William Earle; a new writ ordered, December 20, 1774.---John Dewar. Sam. Peach; the committee found it a void election; a new writ ordered, February 21, 1775.--Samuel Peach; a director of the East India Company: not duly elected.--John Dewar; duly elected, and ought to have been returned.

Great Bedwin. James earl of Courtown; of Ireland; made steward of the three Chiltern Hundreds, in the county of Buckingham; a new writ ordered, December 4, 1774.--James viscount Cranbourn; only son of the earl of Salisbury, lord lieutenant and custos rotulorum of Hertfordshire.--Paul Methuen.

Luggershall. Penystone, lord Melbourne;

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created viscount Melbourne in Ireland, December 23, 1780; made one of the gentlemen of the bedchamber to the prince of Wales, November 30, 1783.--Lord George Gordon; second brother to the duke of Gordon.

Old Sarum. Thomas Pitt.---Pinckney Wilkinson.

Wotton Basset. Robert Scott.---Henry St. John; made a groom of his majesty's bedchamber; a new writ ordered, May 6, 1771, he was re-elected.

Marlborough. Sir James T. Long.---James Brudenell; on the dissolution of this parliament, he was created baron Brudenell of Dean in the county of Northampton, since earl of Cardigan by succession.

WORCESTERSHIRE. Edward Foley.--W. Dowdeswell; died, a new writ ordered, February 1774.--William Lygon.

Worcester. John Walsh --Thomas Bates Rous.

Droitwich. Andrew Foley.---Thomas Foley, jun.; succeeded his father as lord Foley; a new writ ordered, November 1777.---Edward Winnington; eldest son of sir Edward Winnington, bart. and brother-in-law to lord Foley.

Evesham. Henry Seymour.--John Rushout.

Bewdley. William Henry Lyttelton; uncle to lord Lyttelton; created lord Westcote in Ireland, July 2, 1776; made one of the commissioners of the treasury; a new writ ordered, June 5, 1777, he was re-elected.

YORKSHIRE. Edwin Lascelles.---Sir George Savile.

York. Lord John Cavendish.--Charles Turner.

Kingston-upon-Hull. Lord Robert Manners; died, a new writ ordered, May 31, 1782.--David Hartley.

Knaresborough. R. B. Walsingham.--Sir Anthony T. Abdy; died, a new writ ordered, April 1775.--Lord George H. Cavendish; second brother to the duke of Devonshire.

Scarborough. Sir Hugh Palliser; comptroller of the navy; a captain in the navy, and governor of Scarborough castle; made a rear-admiral in October 1770, and a vice-admiral in 1778; made a commissioner of the admiralty; a new writ ordered, April 2, 1775, he was re-elected; in 1775 made lieutenant-general of marines; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, February 19, 1779.--Charles Phipps; brother to lord Mulgrave; a captain in the navy.--George earl of Tyrconnel.

Rippon. William Aislabie.--Charles Allanson; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, October 2, 1775.--William Lawrence.

Richmond. William Norton.---Thomas Dundas; made his election for the county of Stirling; a new writ ordered, December 20, 1774.--Charles Dundas; nephew to sir Laurence Dundas, bart. a counsellor at law.

Heydon. Sir Charles Saunders; died, a new writ ordered, December 7, 1775.--Lewis T. Watson; eldest son of lord Sondes.--Beilby Thompson.

Borough-Bridge. Charles Mellish; made his election for Pontefract; a new writ issued, March 6, 1775.--William Phillips; a captain in the royal regiment of artillery; a colonel in the army, and lieutenant-governor of Windsor castle.--Anthony Eyre.

Malton. Edmund Burke; made his election for Bristol; a new writ ordered, November 30, 1774.--William Weddell.--Savile Finch.

Thirske. Sir Thomas Frankland; admiral of the blue.--Thomas Frankland; son of sir Thomas Frankland.

Aldborough. Charles Wilkinson; made steward of the three Chiltern Hundreds in the county of Buckingham, a new writ ordered, 1777.---William Baker.---Abel Smith; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1778.--William Hanger; brother to lord Coleraine of Ireland; in this parliament before for East Retford.

Beverley. Sir James Pennyman.--Geo. Forster Tuffnell.

Northallerton. Henry Pierse.---Daniel Lascelles.

Pontefract. Sir John Goodricke.--Chas. Mellish.

CINQUE PORTS.

Hastings. Henry viscount Palmerston; a commissioner of the admiralty.--C. Jenkinson; one of the vice-treasurers of Ireland; made clerk of the pells in Ireland; a new writ ordered, October 27, 1775, he was re-elected.

Dover. John Hennikер.--John Trevanion.

Sandwich. Philip Stephens.----William Hay; made a commissioner of the customs; a new writ ordered, 1776.--Charles Brett; before in this parliament for Lestwithiel.

Hythe. William Evelyn; captain of Walmer castle.--Sir Charles Farnaby.

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New Romney. Sir Edward Deering.--Richard Jackson; made a commissioner of the treasury; a new writ ordered, July 8, 1782, he was re-elected.

Rye. Middleton Onslow; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, 1775.--Thomas Onslow; eldest son of lord Onslow and Cranley.--Rose Fuller; died, a new writ ordered, May 8, 1777.--William Dickenson.

Winchelsea. Arnold Nesbitt; made his election for Cricklade; a new writ ordered, February 21, 1775.---William Nedham.---Charles W. Cornwall; a commissioner of the treasury, and on the dissolution of this parliament made chief justice in Eyre, north of Trent.

Seaford. W. Hall, viscount Gage.--Geo. Medley.

WALES.

ANGLESEY. Thomas James, viscount Bulkeley; of Ireland; made lord lieutenant and custos rotulorum of the county of Carnarvon.

Beaumaris. Sir Hugh Williams.

BRECONSHIRE. Charles Morgan.

Brecon. Charles Van; died, a new writ ordered, April 9, 1778.--Charles Gould; judge advocate-general to the land-forces; he was knighted in 1778; made chamberlain of the town and borough of Brecon, and counties of Brecon, Radnor, and Glamorgan.

CARDIGANSHIRE. Wilmot, viscount Lisburne; created earl of Lisburne, July 16, 1776.

Cardigan. Sir Robert Smith; not duly elected.--Thomas Johnes, jun.; duly elected, and ought to have been returned; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, June 1780, he was elected for the county of Radnor.--John Campbell.

CARMARTHENSHIRE. George Rice; died, and the Speaker issued his warrant for a new writ to the clerk of the crown, August 20, 1779.--John Vaughan.

Carmarthen. John Adams.

CARNARVONSHIRE. Thomas Asheton Smith.

Carnarvon. Glynn Wynn.

DENBIGHSHIRE. Sir Watkin Williams Wynne.

Denbigh. Richard Myddelton.

FLINTSHIRE. Sir Roger Mostyn.

Flint. Sir John Glynne; died, a new writ ordered, June 5, 1777.---Watkin Williams.

GLAMORGANSHIRE. George Venables Vernon; succeeded his father as lord Vernon, August 21, 1780.

Cardiff. Herbert Mackworth; created a baronet of Great Britain, August 24, 1776.

MERIONETHSHIRE. Evan Lloyd Vaughan.

MONTGOMERYSHIRE. William Mostyn Owen.

Montgomery. Whitshed Keene; brother-in-law to the earl of Dartmouth, and secretary to the lord chamberlain of the household.

PEMBROKESHIRE. Hugh Owen; made lord lieutenant of the county.

Pembroke. Hugh Owen.

Haverford West. William lord Kensington.

RADNORSHIRE. Chase Price; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, July 1777.--Thomas Johnes, sen.; custos rotulorum of the county of Glamorgan; died, a new writ ordered, June 1780.--Thomas Johnes; son of the late member; made auditor or receiver-general of the customs of Wales; a new writ ordered, May 25, 1781, he was re-elected.

Radnor. John Lewis; not duly elected.--Edward Lewis; duly elected, and ought to have been returned.

SCOTLAND.

SHIRES OF

Aberdeen. Alexander Garden.

Ayr. Sir Adam Ferguson.

Argyle. Adam Livingstone; second son of sir James Livingstone.

Banff. James, earl Fife.

Berwick. James Pringle.--Sir John Paterson; son-in-law to the earl of Marchmont.

Bute and Caithness. James Stuart; second son of the earl of Bute; major-commandant of a regiment of foot.

Clackmannan and Kinross. Ralph Abercrombie; lieutenant-colonel of dragoons.

Cromartie and Nairn. Cosmo Gordon; made a baron of the court of Exchequer in Scotland; a new writ ordered, March 1777.--John Campbell.

Dumfries. Robert Laurie; eldest son of sir Robert Laurie, bart.; a major-general; succeeded his father as baronet.

Dunbarton. Sir Archibald Edmonstone.

Edinburgh. Henry Dundas; solicitor-general for Scotland; made lord advocate for Scotland; a new writ ordered, May 1775, he was re-elected; made joint keeper of the signet for Scotland; a new writ ordered, March 1777, he was re-elected; made keeper of the signet for Scotland; a new writ ordered, June 3, 1779, he was re-elected.

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Elgin. Arthur Duff; fourth brother to earl Fife; made comptroller of the excise in Scotland; a new writ ordered, April 2, 1779.--Lord William Gordon; next brother to the duke of Gordon; deputy ranger of St. James's and Hyde parks.

Fife. John Scott; made a major-general; died, a new writ ordered, December 1775.--James Townshend Oswald; secretary to the Leeward islands; made auditor of the Exchequer in Scotland; a new writ ordered, June 2, 1779.--Robert Skene; a major-general; baggage-master, and inspector of the roads in Scotland; this last office was created since the year 1704, and on that account the committee who tried the petition against this election found that Robert Skene, esq. was not eligible to be elected, and that John Henderson, esq. the petitioner, was duly elected, and ought to have been returned, February 7, 1780.--John Henderson; eldest son of sir Robert Henderson, bart.

Forfar. William earl Panmure.

Haddington. Sir George Suttie; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, May 9, 1777.--William Nesbitt.

Inverness. Simon Fraser; a lieutenant-general in 1772, and in 1775 colonel of a regiment of foot.

Kincardine. Lord Adam Gordon; uncle to the duke of Gordon; colonel of a regiment of foot, and a major-general; made a lieutenant-general in 1777; made governor of Tinmouth castle in 1778.

Kirkcudbright. William Stewart.

Lanark. Andrew Stuart; made joint keeper of the signet; a new writ ordered, March 1777, he was re-elected; made a commissioner of trade and plantations; a new writ ordered, June 3, 1779, he was re-elected.

Linlithgow. Sir William Augustus Cunningham.

Orkney. Thomas Dundas, jun.; made a lieutenant-colonel in the army.

Peebles. James Montgomery; made lord chief baron of the court of Exchequer in Scotland; a new writ ordered, May 25, 1775.--Adam Hay; died, a new writ ordered, November 1775.--Sir Robert Murray Keith; his majesty's ambassador extraordinary and plenipotentiary at Vienna, and a colonel in the army; made a major-general in 1777.

Perth. James Murray; made governor of Fort William in Scotland.

Renfrew. John Craufurd; chamberlain of the county of Fife.

Ross. James Stuart Mackenzie.

Roxburgh. Sir Gilbert Elliot; died, a new writ ordered, February 1777.--Sir Gilbert Elliot; eldest son of the deceased member; in this parliament before for Morpeth.

Selkirk. John Pringle.

Stirling. Thomas Dundas.

Sutherland. James Wemyss.

Wigton. Keith Stewart; brother to the earl of Galloway; a captain in the navy.

Edinburgh City. Sir Lawrence Dundas.

BURGHS OF

Kirkwall, &c. James Grant; made colonel of a regiment of foot in December 1775, and a major-general in August 1777.

Inverness, &c. Hector Munro; made a colonel in the army in August 1777; made a knight of the bath in 1780.

Elgin, &c. Staats Long Morris; a colonel in the army; made a major-general in August 1777; made colonel of a regiment of foot in August 1778.

Aberdeen, &c. Thomas Lyon; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, 1778.--Adam Drummond; a banker in London; in this parliament before for St. Ives.

Forfar, &c. George Dempster.

Crail, &c. Philip Anstruther; eldest son of sir John Anstruther, bart.; a lieutenant of dragoons; made steward of the three Chiltern Hundreds; a new writ ordered, November 20, 1777.--George Damer; eldest son of lord Milton.

Kirkaldy, &c. John Johnstone.

Inverkeithing, &c. Archibald Campbell; a lieutenant-colonel in the army.

Glasgow, &c. Lord Frederick Campbell.

Selkirk, &c. Sir James Cockburne.

Haddington, &c. John Maitland; made lieutenant-colonel of a regiment of foot; died, at Savannah in North America; a new writ ordered, November 1779.--Francis Charteris; only son of the honourable Francis Charteris, and grandson of the late earl of Wemyss.

Dumfries, &c. William Douglas.

Wigton, &c. William Norton; eldest son of sir Fletcher Norton, knt. the Speaker in last parliament; minister to the Swiss Cantons; not duly elected.--Henry Watkin Dashwood; eldest son of sir James Dashwood, bart.; duly elected, and ought to have been returned.

Ayr, &c. Sir George Macartney; son-in-law to the earl of Bute; made go-

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verner and captain-general of the islands of Grenada, Grenadines, &c. in the West Indies; a new writ ordered, 1775.--Frederick Stuart; fourth son of the earl of Bute.

SIXTEEN PEERS OF SCOTLAND.

Duke of Gordon.
Earl of Cassilis; died in 1775; (earl of Dunmore in his stead.)
Strathmore; died in 1776; (earl of Eglintoun in his stead.)
Abercorn.
Galloway.
Loudoun.
Dalhousie.
Breadalbane.
Aberdeen.
March and Ruglen.
Marchmont.
Roseberry.
Bute.
Viscount Stormont.
Irwin; died in 1778; (marquis of Lothian in his stead.)
Lord Cathcart; died in 1776; (earl of Cassilis in his stead.)

Sir Fletcher Norton re-chosen Speaker.] The Commons being returned to their House,

Lord Guernsey, son and heir apparent of the earl of Aylesford, addressing himself to the Clerk, (who, standing up, pointed to him, and then sat down) proposed to the House for their Speaker the right hon. sir Fletcher Norton; in which he was seconded by lord Robert Spencer, brother to the duke of Marlborough.

The House then calling sir Fletcher Norton to the chair, he stood up in his place, and expressed the sense he had of the honour proposed to be conferred on him, and submitted himself to the House.

The House then again unanimously calling sir Fletcher Norton to the chair, he was taken out of his place by the said lord Guernsey and lord Robert Spencer, and conducted to the chair: where being placed, he again expressed himself truly sensible of the high honour the House had been pleased to confer upon him, in unanimously choosing him again to be their Speaker.

And then the mace (which before lay under the table) was laid upon the table. Then sir John Shelley, treasurer of his Majesty's household, having congratulated Mr. Speaker elect, moved to adjourn till to-morrow.

The Speaker's Speech on being presented to the King and approved of.] Nov. 30. His Majesty being seated on the throne, commanded the gentleman usher of the Black Rod to let the Commons know, "It is his Majesty's pleasure that they attend him immediately in this House." Who being come,

Sir *Fletcher Norton* said,

"Most gracious Sovereign;

"Your Majesty's dutiful subjects, the Commons of this your realm in parliament assembled, have, in pursuance of your Majesty's direction, and of their ancient right, elected one of their members to be their Speaker for this parliament; and their choice, Sir, having once more fallen upon me for this high and important trust, they now present me to your Majesty for your judgment upon their election. Needless will it be in me, Sir, to mention on this occasion, with regard to myself, what I fear cannot but be too well known to your Majesty: it therefore best becomes me, with silence and submission, to resign myself to your royal determination."

Then the *Lord Chancellor*, receiving directions from his Majesty, said,

"Sir Fletcher Norton,

"You have appealed to the King's own experience and knowledge for the decision of the weighty affair now under his consideration, and it is from thence his Majesty has formed his judgment.

"After having had such clear demonstration of your abilities, zeal, and application, in the service of himself and of your country, in the last parliament, his Majesty commands me to let you know, that he entirely approves the choice which his faithful Commons have made, and allows and confirms you to be their Speaker." After which,

Mr. *Speaker* said:

"Since your Majesty has been pleased to confirm the choice your Commons have made of me to be their Speaker, it is my duty, Sir, with all humility, to conform myself to their appointment and your royal approbation of it; begging your Majesty's favourable acceptance of my humblest acknowledgments for this fresh instance of your Majesty's grace towards myself, and that your Majesty would vouchsafe to pardon my failings and infirmities, at least not to impute them in any wise to your faithful Commons. And that your Commons in parliament may be the

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better enabled to discharge their duty to your Majesty and their country, I do in their name, and on their behalf, by humble petition to your Majesty, lay claim to all their ancient rights and privileges; particularly that they, their servants, and estates, may be free from arrests and all other molestation. That they may enjoy freedom of speech in their debates, and have liberty of access to your royal person on all occasions; and that all their proceedings may receive from your Majesty the most favourable interpretation." Which done,

The *Lord Chancellor*, by his Majesty's further commands, said,

"Mr. Speaker,

"The King has the greatest confidence in the duty and affection of this House of Commons to his person and government, and an high opinion of that wisdom, temper, and prudence, which they will use in all their proceedings; and his Majesty does most readily grant and allow to them all their privileges, in as full and ample a manner as they have at any time been granted or allowed by his Majesty, or any of his royal predecessors.

"There is one suit, Sir, which you have made on your own behalf: his Majesty has received the surest pledge that no person in your station ever stood less in need of it than yourself: but that you may want no support in sustaining the burden of that important trust which is reposed in you, his Majesty has directed me to assure you, that he will put the most favourable construction both on your words and actions."

The King's Speech on Opening the Session.] Then his Majesty was pleased to speak as follows:

"My Lords, and Gentlemen;

"It gives me much concern that I am obliged, at the opening of this parliament, to inform you that a most daring spirit of resistance and disobedience to the law still unhappily prevails in the province of the Massachuset's Bay, and has in divers parts of it broke forth in fresh violences of a very criminal nature. These proceedings have been countenanced and encouraged in other of my colonies, and unwarrantable attempts have been made to obstruct the commerce of this kingdom by unlawful combinations. I have taken such measures, and given such orders, as I judged most proper and effectual for carrying into execution the laws which were passed in the last session of the late parliament, for the protection and security of the commerce of my subjects, and for the restoring and preserving peace, order, and good government, in the province of the Massachuset's Bay. And you may depend on my firm and stedfast resolution to withstand every attempt to weaken or impair the supreme authority of this legislature over all the dominions of my crown, the maintenance of which I consider as essential to the dignity, the safety, and the welfare of the British empire, assuring myself that, while I act upon these principles, I shall never fail to receive your assistance and support.

"I have the greatest satisfaction in being able to inform you, that a treaty of peace is concluded between Russia and the Porte. By this happy event the troubles which have so long prevailed in one part of Europe are composed, and the general tranquillity rendered complete. It shall be my constant aim and endeavour to prevent the breaking out of fresh disturbances; and I cannot but flatter myself I shall succeed, as I continue to receive the strongest assurances from other powers of their being equally disposed to preserve the peace.

"Gentlemen of the House of Commons;

"I have ordered the proper Estimates for the service of the ensuing year to be laid before you; and I doubt not but that, in this House of Commons, I shall meet with the same affectionate confidence, and the same proofs of zeal and attachment to my person and government, which I have always, during the course of my reign, received from my faithful Commons.

"My Lords, and Gentlemen;

"Let me particularly recommend to you, at this time, to proceed with temper in your deliberations, and with unanimity in your resolutions. Let my people, in every part of my dominions, be taught by your example, to have a due reverence for the laws, and a just sense of the blessings, of our excellent constitution. They may be assured that, on my part, I have nothing so much at heart as the real prosperity and lasting happiness of all my subjects."

The Lords' Address of Thanks.] His Majesty having retired,

The Earl of *Hillsborough* rose, and in a long and able speech set forth the situation of the colonies with the mother country,

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highly disapproving of the refractory spirit of the Americans, and hoping, that, with temper and unanimity, such measures might be adopted, as to bring about a reconciliation. His lordship then moved, "That an humble Address be presented to his Majesty, to return his Majesty the thanks of this House for his most gracious Speech from the throne.

"To declare our abhorrence and detestation of the daring spirit of resistance and disobedience to the laws, which so strongly prevails in the province of the Massachusets Bay, and of the unwarrantable attempts in that and other provinces of America, to obstruct, by unlawful combinations, the trade of this kingdom.

"To return his Majesty our humble thanks for having been pleased to communicate to us, that he has taken such measures, and given such orders as his Majesty hath judged most proper and effectual for the protection and security of the commerce of his Majesty's subjects, and for carrying into execution the laws, which were passed in the last session of the late parliament, relative to the province of the Massachuset's Bay. To express our entire satisfaction in his Majesty's firm and stedfast resolution to continue to support the supreme authority of the legislature over all the dominions of his crown, and to give his Majesty the strongest assurances that we will cheerfully co-operate in all such measures, as shall be necessary to maintain the dignity, safety, and welfare of the British empire.

"That as this nation cannot be unconcerned in the common interest of Europe, we have the greatest satisfaction in being acquainted with the conclusion of the peace between Russia and the Porte; that we confide in his Majesty's endeavours to prevent, as far as possible, the breaking out of fresh disturbances; and from the assurances given to his Majesty by other powers, we have the pleasing expectation that nothing is likely to intervene that may interrupt the present happy tranquility in Europe.

"That it is no less our duty than our inclination to proceed with temper and unanimity in our deliberations and resolutions, and to inculcate, by our example, a due reverence for the laws, and a just sense of the excellency of our constitution; and impressed with the deepest gratitude for the many blessings we have enjoyed during the course of his Majesty's reign, to testify with unaffected zeal at this conjuncture our inviolable fidelity to his Majesty, and our serious attention to the public welfare."

The Earl of *Buckinghamshire* seconded the motion.

The Duke of *Richmond* spoke strongly against the measures which he imagined were intended to be taken, and moved, That an Amendment be made to the said motion, by inserting, after the word 'throne,' at the end of the first paragraph, these words:

"And to desire his Majesty would be graciously pleased to give direction for an early communication of the accounts which have been received concerning the state of the colonies, that we may not proceed to the consideration of this most critical and important matter, but upon the fullest information; and when we are thus informed, we shall, without delay, apply ourselves with the most earnest and serious zeal, to such measures as shall tend to secure the honour of his Majesty's crown, the true dignity of the mother country, and the harmony and happiness of all his Majesty's dominions."

Lord *Lyttelton* replied to him, and, amongst other things, urged the necessity of asserting the sovereign right of Great Britain over the colonies by the most speedy and resolute measures. His lordship declared, that it was no longer a question, whether we should relinquish the right of taxation, but whether that commerce, which had carried us triumphantly through the last war, should be subject to the wise and necessary regulations prescribed by the Act of Navigation, and confirmed by many subsequent acts of parliament, or at once laid open at the will of the factious Americans, who were now struggling for a free and unlimited trade, independent of their mother country, and for powers inconsistent with, and derogatory to, the honour and dignity of the imperial crown of England: that if government should now in the least degree recede, all would be over, and America, instead of being subject to Great Britain, would soon give laws to it.

Lord Shelburne spoke next; then lord Talbot. After him,

Lord *Camden* expatiated largely on the inexpediency of coercive measures at this time: he said such measures might be very properly exercised in the infancy of colonies, but that when they had acquired power by commerce, and strength by the increase of numbers, it was wholly impo-

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litic, if not dangerous to compel them to submit to laws, which tended to lay the least burden or restraint on that trade by which alone they existed.

Lord Dartmouth replied to lord Camden, and his speech closed the debate, when the question was put, and carried against the Amendment; Contents 13; Not-contents 63. Then it was moved, That the motion for the Address should stand as first proposed; Contents 46; Not-contents 9.

Protest against the rejection of an Amendment to the Address.] Upon which, the following Protest was entered:

"Dissentient,

"Because we cannot agree to commit ourselves with the careless facility of a common address of compliment, in expressions, which may lead to measures in the event fatal to the lives, properties, and liberties of a very great part of our fellow subjects. We conceive that an Address upon such objects as are before us, and at such a time as this, must necessarily have a considerable influence upon our future proceedings; and must impress the public with an idea of the general spirit of the measures which we mean to support. Whatever methods we shall think it advisable to pursue, either in support of the mere authority of parliament, which seems to be the sole consideration with some, or for reconciling that authority with the peace and satisfaction of the whole empire, which has ever been our constant and invariable object, it will certainly add to the weight and efficacy of our proceedings, if they appear the result of full information, mature deliberation, and temperate enquiry. No materials for such an enquiry have been laid before us; nor have any such been so much as promised in the speech from the throne, or even in any verbal assurance from ministers. In this situation we are called upon to make an Address, arbitrarily imposing qualities and descriptions upon acts done in the colonies, of the true nature and just extent of which we are as yet in a great measure unapprized; a procedure which appears to us by no means consonant to that purity which we ought ever to preserve in our judicial, and to that caution which ought to guide us in our deliberate capacity.

2. "Because this Address does, in effect, imply an approbation of the system adopted with regard to the colonies in the last parliament. This unfortunate system, conceived with so little prudence, and pursued with so little temper, consistency, or foresight, we were in hopes would be at length abandoned, from an experience of the mischiefs which it has produced, in proportion to the time in which it was continued, and the diligence with which it has been pursued; a system which has created the utmost confusion in the colonies, without any rational hope of advantage to the revenue, and with certain detriment to the commerce of the mother country. And it affords us a melancholy prospect of the disposition of lords in the present parliament, when we see the House, under the pressure of so severe and uniform an experience, again ready without any enquiry, to countenance, if not to adopt, the spirit of the former fatal proceedings.

"But whatever may be the mischievous designs, or the inconsiderate temerity, which leads others to this desperate course, we wish to be known as persons who have ever disapproved of measures so pernicious in their past effects, and their future tendency, and who are not in haste, without enquiry or information, to commit ourselves in declarations which may precipitate our country into all the calamities of a civil war. *(Signed)* Richmond, Portland, Rockingham, Stamford, Stanhope, Torrington, Ponsonby, Wycombe, Camden."

The Address was then agreed to as follows:

"Most Gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"We think it our indispensable duty to declare on this occasion our abhorrence and detestation of the daring spirit of resistance, and disobedience to the laws, which so strongly prevails in the province of the Massachuset's Bay; and of the unwarrantable attempts in that and other of your Majesty's provinces in America, to obstruct by unlawful combinations the trade of this kingdom.

"We thankfully acknowledge at the same time, the communication it has pleased your Majesty to make to us of your having taken such measures, and given such orders, as your Majesty judged the most proper and effectual, for the pro-

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tection and security of the commerce of your Majesty's subjects, and for the carrying into execution the laws which were passed in the last session of the late parliament relative to the province of the Massachuset's Bay. And in the utmost reliance on your Majesty's firm and stedfast resolution to continue to support the supreme authority of the legislature over all the dominions of your crown, your Majesty may be assured that we will cheerfully co-operate in all such measures as shall be necessary to maintain the dignity, the safety, and the welfare, of the British empire.

"As this nation cannot be unconcerned in the common interests of Europe, it is with the greatest satisfaction we are acquainted with the conclusion of the peace between Russia and the Porte; we have the fullest confidence in your Majesty's endeavours to prevent, as far as possible, the breaking out of fresh disturbances; and from the assurances given to your Majesty by other powers, we have the pleasing expectation that nothing is likely to happen that may interrupt the present happy tranquillity in Europe.

"We beg leave humbly to assure your Majesty that it will be no less our duty than our inclination, to proceed with temper and unanimity in our deliberations and resolutions, and to inculcate, by our example, a due reverence for the laws, and a just sense of the excellency of our constitution. Impressed with these sentiments, and with the deepest gratitude for the many blessings we have enjoyed during the course of your Majesty's reign, it will be our principal care to testify, with unaffected zeal at this conjuncture, our inviolable fidelity to your Majesty, and our serious attention to the public welfare."

The King's Answer.] His Majesty returned this Answer:

"My Lords;

"I thank you for your affectionate assurances of duty and loyalty.

"The zeal you express for the support of the supreme authority of the legislature, which I shall constantly maintain, is very agreeable to me; and your resolution to proceed with temper and unanimity in your deliberations, gives me the greater satisfaction, as it corresponds with the hearty concern I shall ever have for the true interests of all my people."

*Debate in the Commons on the Address of Thanks.**] Dec. 5. His Majesty's Speech being read,

Lord *Beauchamp*, after animadverting on the spirit of the colonists, their resolves, their meetings, and in particular their intended non-importation agreement, moved,

"That an humble Address be presented to his Majesty, to return his Majesty the thanks of this House, for his most gracious Speech from the throne.

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* Mr. Gibbon, in the Memoirs of his own Life, gives the following description of this parliament:

"By the friendship of Mr. (afterwards lord) Eliot, who had married my first cousin, I was returned at the general election for the borough of Leskeard. I took my seat at the beginning of the memorable contest between Great Britain and America, and supported, with many a sincere and silent vote, the rights, though not, perhaps, the interests, of the mother country. After a fleeting illusive hope, prudence condemned me to acquiesce in the humble station of a mute. I was not armed by nature and education with the intrepid energy of mind and voice

'Vincentem strepitus, et natum rebus agendis.'

Timidity was fortified by pride, and even the success of my pen discouraged the trial of my voice. But I assisted at the debates of a free assembly; I listened to the attack and defence of eloquence and reason; I had a near prospect of the characters, views, and passions of the first men of the age. The cause of government was ably vindicated by lord North, a statesman of spotless integrity, a consummate master of debate, who could wield, with equal dexterity, the arms of reason and of ridicule. He was seated on the treasury-bench, between his attorney and solicitor-general, the two pillars of the law and state, 'magis pares quam 'similes;' and the minister might indulge in a short slumber, whilst he was upholden on either hand by the majestic sense of Thurlow, and the skilful eloquence of Wedderburne. From the adverse side of the House an ardent and powerful opposition was supported by the lively declamation of Barré; the legal acuteness of Dunning; the profuse and philosophic fancy of Burke; and the argumentative vehemence of Fox, who, in conduct of a party, approved himself equal to the conduct of an empire. By such men every operation of peace and war, every principle of justice or policy, every question of authority and freedom, was attacked and defended; and the subject of the momentous contest was the union or separation of Great Britain and America. The eight sessions that I sat in parliament were a school of civil prudence, the first and most essential virtue of an historian."—Gibbon's Miscellaneous Works, vol. 1, p. 146.

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"To assure his Majesty, that we receive, with the highest sense of his Majesty's goodness, the early information which he has been pleased to give us of the state of the province of the Massachuset's Bay.

"That we feel the most sincere concern, that a spirit of disobedience and resistance to the law should still unhappily prevail in that province, and that it has broke forth in fresh violences, of a most criminal nature; and that we cannot but lament, that such proceedings should have been countenanced and encouraged in any other of his Majesty's colonies, and that any of his subjects should have been so far deluded and misled as to make rash and unwarrantable attempts to obstruct the commerce of his Majesty's kingdoms, by unlawful combinations.

"To present our most dutiful thanks to his Majesty, for having taken such measures as he judged most proper and effectual for carrying into execution the laws which were passed in the last session of the late parliament, for the protection and security of the commerce of his Majesty's subjects; and for restoring and preserving peace, order, and good government, in the province of the Massachuset's Bay.

"That, animated by his Majesty's gracious assurances, his faithful Commons will use every means in their power to assist his Majesty in maintaining entire and inviolate the supreme authority of this legislature over all the dominions of his crown; being truly sensible that we should betray the trust reposed in us, and be wanting in every duty which we owe to his Majesty and to our fellow subjects, if we fail to give our most zealous support to those great constitutional principles which govern his Majesty's conduct in this important business, and which are so essential to the dignity, safety, and welfare, of the British empire.

"That we learn with great satisfaction, that a treaty of peace is concluded between Russia and the Porte, and that by this happy event the general tranquillity is rendered complete; and that we entertain a well-grounded hope, that his Majesty's constant endeavours to prevent the breaking out of fresh disturbances will be attended with success, as his Majesty continues to receive the strongest assurances from other powers, of their being equally disposed to preserve the peace.

"To assure his Majesty, that his faithful Commons will, with the utmost cheerfulness, grant to his Majesty every necessary supply; and that they consider themselves bound by gratitude as well as duty, to give every proof of their most affectionate attachment to a prince, who, during the whole course of his reign, has made the happiness of his people the object of all his views, and the rule of all his actions."

Mr. *Thomas De Grey*, jun. seconded the motion.

Lord *John Cavendish*, after condemning the conduct of administration respecting the colonists, moved the following Amendment to the question, by inserting after the word 'throne,' at the end of the first paragraph, these words; "And to assure his Majesty, that, animated with the warmest zeal for his service, and for the glory and prosperity of his reign, we shall enter into the consideration of the present situation of his colonies in America, with that care and attention, which the delicacy and importance of the object require.

"And humbly to represent, that our inviolable duty and respect to his Majesty, as well as our situation in an immediate delegated trust from his people, will not permit us to form any opinion upon a matter, which may not only sensibly and deeply affect the landed and commercial interests of our constituents, but lead to consequences of a still more alarming nature, without the fullest and most satisfactory information: and to that end, most humbly to request, that his Majesty would be graciously pleased to give orders that all the accounts received from America may be laid before this House with all convenient dispatch.

"And that when, by such information, we shall be enabled to form a proper judgment, we will humbly offer our advice on this delicate situation of affairs, and endeavour to find the means effectually to support the honour of his Majesty's crown, and the true dignity of parliament, which shall be best adapted to connect both with the permanent peace, concord, and prosperity, of all his Majesty's dominions."

The friends of the Address, as moved by lord Beauchamp, argued, that an Address was no more than a general compliment, a measure of course at the beginning of every session; that particular measures were not now the objects of consideration; and that the judgment of the House upon the affairs of America would be taken on a future day.

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The friends of the Amendment argued, that though no particular measures were at this instant under consideration, yet, the Address being drawn up in such very general terms, it implied, and even contained, a general approbation of all the late measures taken with America; that this general judgment could not, nor ought not, to be given without the fullest information; and that a delay in forming such judgment, while the most important concerns of England and America were dependent upon it, might be fatal.

Some gentlemen, who declared themselves not attached to either side, said, they would vote for the Address as moved by lord Beauchamp; not because they would be thought to approve of the late measures against America, on the contrary, they did not consider this vote as making any engagement to approve of any measures; for they should consider themselves, notwithstanding this vote, entirely at liberty upon all future questions; but they would vote for the Address, because an Address was become a business of course.

Lord *North* said, this was not a proper time to enter upon any discussion of the affairs of America; that however necessary and agreeable a reconciliation with America might be, yet, as no terms had been offered by America, England would not submit first; and as matters, therefore, were in a state of suspense, he hoped the noble lord would withdraw his motion. He made some apologies for the late parliament, which passed the Acts against America, and called it a good parliament.

Mr. *F. Montagu* in general disapproved of the Address, and seconded the motion for the Amendment very strenuously.

Governor *Johnstone* thought America not tenable upon the terms and principles laid down in the proposed Address. He was very glad to hear some apology made for the late parliament; for, in his opinion, no parliament ever stood in greater need of an apology.

Mr. *Charles Fox* was very pointed in his observations on the manner the Gallery was cleared. He said it was a mere ministerial trick to stifle enquiry and shorten debate; for if the gallery had been open, administration must have been obliged to break that silence and unconcern they now affected to hold. It was extremely unfair, he said, that persons should be shut out from being present at the discussion of a question, in the event of which they were so highly interested; and concluded by a succession of very pointed and severe animadversions.

Mr. *Hartley* (a new member) entered fully into the contents of the Speech and Address, and urged strongly the necessity of the proposed Amendment.

Colonel *Barré* was very able on the same side. He said that America had offered terms. He read a passage in Mr. Dickinson's pamphlet, entitled "A New Essay, &c." which in his opinion contained a very sufficient ground to accept and to negociate upon. He said the scheme of reducing the colonies by force was wild, incoherent, and impracticable; and even though it were not, that a dominion supported by force would answer no end whatever. He said, a report prevailed, that general Gage was shortly to be recalled, but that would signify nothing; for send whom we might, send a second, recall him, and send a third, it would all be to no effectual or substantial purpose.

Sir *George Macartney* answered the colonel, and spoke with facility and precision. He was against the amendment, and in general for spirited measures.

Lord *Carmarthen* entered fully into the contents of the proposed amendment, and dwelt much on the spirit of sedition, turbulence, and rebellion, which had manifested itself from one end to the other of the American continent.

Sir *William Mayne* declared himself unconnected with either side of the House. He said, his mind was unbiassed, and his conduct should be unfettered; that on the present occasion he was against the amendment, but reserved his opinion till the question, and the information necessary to discuss and determine on it, came properly before the House. He was heard with great attention, and general approbation.

General *Smith* was of the same opinion, observing, that the present was no proper time to take so great and important a question into consideration; and that his being now against the amendment, would not hereafter preclude him from giving his thoughts freely, when the matter came before the House in another form.

Mr. *T. Townshend* was for the amendment, and was very severe on the general conduct of administration.

Mr. *Edmund Burke* compared the language now artfully held to the new mem-

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bers, of the Address being only a compliment, to the insinuations of a designing lover, who, under the pretence of honourable addresses, first squeezes the hand of his mistress, then asks her to take a turn in the park, next into the country, and so on, step by step, till at length he dishonours her. In the last parliament, he said, it was the minister's language, that the late Acts would humble America, that by punishing Boston all America would be struck with a panic: Boston would be abandoned, all would be afraid to give any relief to Boston, lest they should share the same fate. The very contrary is the case. The cause of Boston is become the cause of all America. Every part of America is united in support of Boston. By these acts of oppression, said he, you have made Boston the lord mayor of America. The present situation of America he compared to a funeral; trade and commerce were pall-bearers, the merchants and traders chief mourners, the West Indian and African merchants closed the procession, and the army and navy, at a distance, looked on in gloomy silence at so melancholy a spectacle.

Mr. *Van* spoke strongly for the most firm and decisive measures.

Mr. Solicitor General *Wedderburn* spoke fully and ably, and endeavoured to answer every thing offered against the Address.

The House then divided upon the Amendment. The Yeas went forth.

Tellers.

Yeas	Mr. Frederick Montagu Mr. Byng - - - - -	73
Noes	Mr. St. John - - - - Mr. Cooper - - - -	264

So it passed in the negative.

The Commons' Address of Thanks.] The following Address was then agreed to:

"Most Gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your Majesty our humble thanks, for your most gracious Speech from the throne.

"Permit us to assure your Majesty, that we receive with the highest sense of your Majesty's goodness, the early information which you have been pleased to give us of the state of the province of the Massachuset's Bay.

"We feel the most sincere concern, that a spirit of disobedience and resistance to the law should still unhappily prevail in that province, and that it has broke forth in fresh violences of a most criminal nature: and we cannot but lament that such proceedings should have been countenanced and encouraged in any other of your Majesty's colonies; and that any of your subjects should have been so far deluded and misled, as to make rash and unwarrantable attempts to obstruct the commerce of your Majesty's kingdoms by unlawful combinations.

"We beg leave to present our most dutiful thanks to your Majesty, for having taken such measures as your Majesty judged most proper and effectual, for carrying into execution the laws, which were passed in the last session of the late parliament, for the protection and security of the commerce of your Majesty's subjects, and for restoring and preserving peace, order, and good government, in the province of the Massachuset's Bay.

"Your faithful Commons, animated by your Majesty's gracious assurances, will use every means in their power to assist your Majesty in maintaining entire and inviolate the supreme authority of this legislature over all the dominions of your crown; being truly sensible that we should betray the trust reposed in us, and be wanting in every duty which we owe to your Majesty and to our fellow subjects, if we failed to give our most zealous support to those great constitutional principles, which govern your Majesty's conduct in this important business, and which are so essential to the dignity, safety, and welfare, of the British empire.

"We learn with great satisfaction, that a treaty of peace is concluded between Russia and the Porte; and that, by this happy event, the general tranquillity is rendered complete: and we entertain a well-grounded hope, that your Majesty's constant endeavours to prevent the breaking out of fresh disturbances will be attended with success; as your Majesty continues to receive the strongest assurances from other powers, of their being equally disposed to preserve the peace.

"We assure your Majesty, that we will, with the utmost cheerfulness, grant to your Majesty every necessary supply; and that we consider ourselves bound by gratitude, as well as duty, to give every proof of our most affectionate attachment to a prince, who, during the whole course of his reign, has made the happiness of his people the object of all his views, and the rule of all his actions."

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The King's Answer.] His Majesty returned this Answer:

"Gentlemen,

"I return you my particular thanks, for this very loyal and dutiful Address. I receive with the highest satisfaction and approbation your assurances of assistance and support, in maintaining the supreme authority of the legislature over all the dominions of my crown. It shall be my care to justify, by my conduct, the confidence you so affectionately express, and to shew that I have no interests separate from those of my people."

Motion for the Admission of Members of the House of Commons into the House of Lords.] December 6. The Lords having thought proper, on the 10th of December 1770,* to clear their House of all strangers, and not to admit even members of the House of Commons since that time, except to deliver Bills, and upon those occasions ordered them to withdraw immediately, the Commons in return excluded the Peers from their House. Many inconveniences having occurred in consequence of this harsh treatment,

Lord *Lyttelton* moved, "That the Lords be summoned to attend this House tomorrow, in order to take into consideration a motion for dispensing with the Standing Order of the 5th of April 1707, so far as to admit the Representatives of the Commons of Great Britain into this House, during the sitting thereof." His lordship gave many reasons for dispensing with the order, and for admitting the other House to hear their debates.

Lord Suffolk, the duke of Manchester, lord Sandwich, lord Weymouth, lord Gower, and several other lords, spoke upon the occasion; and upon the question being put, 28 were for the motion, and 36 against it.

December 15. Lord *Lyttelton* made a second proposition to the House, and recommended that the doors should be opened to the members of the House of Commons, the sons and brothers of peers, peers of Ireland and Scotland, and to so many of the public at large as should be introduced by English peers, each peer to have the privilege of introducing one person.

The Duke of *Manchester* joined in the recommendation. His grace said, he particularly pressed it at this time, as a point to be desired even by ministers, that the public might be informed of the grounds on which they proceeded in regard to the measures to be pursued respecting America, whose interests were so interwoven with those of Great Britain, that the attention of the people of this country could not be too much awakened at this truly important crisis.

The *Lord Chancellor* acquainted the Lords, that he always looked upon himself as a servant of the House, whose duty it was to see their orders enforced; but that as it seemed to be the desire of many to relax their standing order in this point, he thought the civility due from one lord to another should induce the House to come into the proposal.

The proposition was accordingly acceded without further debate.

Debate in the Commons on the Mode of Proceeding with Election Petitions.] December 6. Mr. *Speaker* said: It is usual that the double returns be heard first, next the undue elections, and lastly complaints concerning undue elections; but what I have to acquaint the House with, is of much higher consequence. By the standing order, it is ordered, that all persons who shall question any returns of members to serve in parliament, do question the same within 14 days next; and by the late Act for determining controverted elections, it is enacted, "that whenever a petition, complaining of an undue election, &c. is presented, it shall be received, be read by the clerk, and a day fixed for appointing a committee to determine and try the same." Such being the state of the matter, I should be glad to have the direction of the House in what manner to act.

Mr. *Cornwall.* I rise, with all imaginable diffidence, to impart my doubts on what has now fallen from the chair, because I conceive it to be involved in great difficulty. By the standing order, if a petition be presented the 15th day, it will come too late, and must, contrary to the general sense of the House, be rejected, unless we break through the ancient and established usage of this House. On the other hand, if we do not receive it, we resist the positive words of an act of parliament; for by them we are obliged to entertain a petition, and send it to a committee whenever it is presented, though the cause of complaint, *ex. grat.* rose in

* See Vol. 16, pp. 1317, 1322.

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this session, and redress should not be sought till seven sessions hence. I would therefore submit it to the good sense of the House, whether, considering the nature of the standing order, and the relation it should have to the Act, and the Act with it, it would not be proper and convenient, that we might have, in the first instance, a power to enlarge the time to more than 14 days, as well as reject petitions, if frivolous or ill-grounded; and whether in fact, that would not be the rational and substantial construction of the Act in question.

Mr. *Dunning*. My hon. and learned friend over the way has started an objection, which, were it to prevail in the manner he seems desirous it should, would in reality defeat the Act, which some short time since appeared to be so justly the favourite with a majority of this House. I trust there are many friends to that Act now present; and I have a learned and honourable one now in my eye (Mr. Wedderburn) who I make no doubt, will exert himself in its support, and do all in his power to resist such an attempt, however ingeniously urged, or covertly and plausibly conceived. The evil which the Act was designed to remove and guard against, was partial decisions in this House on controverted elections. I believe no man here will deny, that too many instances of that kind have happened; indeed, its several provisions are the clearest proof, that that was the sole intention of its framer and friends. What, then, will be the probable consequence were my learned friend's ideas to prevail? It would be this, that a majority of this House, no matter whether of this or that party, (for we cannot be ignorant of what party is capable of doing) without enquiry, and perhaps only knowing the name of the town, or the petitioner, or chusing to usurp a jurisdiction to determine the merits in the first instance, could at once take upon itself to reject a petition, without any other hearing or trial whatever. In fine, if this be the method the hon. and learned mover, and his friends, have devised to defeat every true and salutary purpose of the Act, both in point of sense, construction, and letter, I would wish them sincerely to speak out, and attack it directly, rather than thus side-ways endeavour to defeat it, by forcing an interpretation it will by no means admit of.

Mr. *Cornwall*. No man in this House more highly approves of the Act in question in several respects, than I do. I am not surprised, therefore, if the learned gentleman thinks such a power as I have mentioned would lead to defeat the Act, that he should be desirous to prevent its supposed ill consequences; but I suspect he has equally mistaken my meaning and intentions. All I wish for is, that the House, if a petition on a true ground were presented, might be deemed competent to entertain it, though the 14 days prescribed by the standing order, should be expired. As to the learned gentleman's fears, that such a power might be abused, the Journals of parliament do not furnish an instance of a petition being rejected, complaining of an undue election, without being sent to a committee.*

Mr. *Dunning*. How the fact now stated by the hon. gentleman may be, I will not pretend to say; but this I am confident of, that if it were strictly true, it would still be a stronger motive with me to resist the vesting any such power in this House; because, if in former times the House did not reject in the first instance, the reason was obvious, as those who led it could effect with certainty and facility, under the appearance and sanction of a judicial decision, what, if they had done in the first instance, would carry with it the strongest marks of the most manifest partiality. But being by the Act now under consideration, totally precluded from exerting that shameful influence, should the reasons now offered by the learned gentleman prevail, they will, in a summary way, be enabled to do that which is denied them in any other. Should the

* The hon. gentleman was mistaken: as appears from the following extract from the Journals of the 4th of March 1716:

"A petition of divers of the inhabitants of the borough of Leominster, in the county of Hereford, was presented to the House, and read; setting forth, That the right hon. Thomas lord Coningsby has endeavoured, by himself and agents, by bribes, threats, and other illegal practices, not only procured himself to be elected a member of this present parliament; but also, by the same indirect practices, procured Henry Gorges, esq. to be elected for the said borough: and praying relief therein. And a motion being made, and the question being put, That the said petition be referred to the committee of privileges and elections; and that they do examine the matter thereof; and report the same, with their opinion thereupon, to the House; the House divided. Yeas 69—Noes 79. So it passed in the negative.

"Resolved, That the said Petition be rejected."

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House be vested with this negative, the petition may concern Blackacre, and the petitioner be John a Stiles; and both the town and petitioner may chance to be extremely disagreeable to those who govern and lead the majority of this House, no matter who they are or may be. What, then, is to be done? The Committee cannot pass over the justice of the cause, to stigmatize the petitioner for his turpitude, nor punish the town for its delinquency; on the contrary, they will be under a necessity of judging rigidly, according to the true merits of the question. That there have been many decisions within these walls, answerable to this description, I believe few will controvert; nay, indeed, I might add, as iniquitous and unjust as ever came to my knowledge without them; and they have been sufficiently corrupt and numerous. I therefore call on the former friends of the Bill, who I trust have not so soon changed their minds, to stand forth and assist me in defending it; for which purpose, Sir, I beg to move, "That, according to the true construction of the said Act, whenever a petition, complaining of an undue election, or return of a member to serve in parliament, shall be offered to be presented to the House, within the time limited by the order of the House for questioning the returns of members to serve in parliament, the said petition shall be delivered in at the table and read, without a question being put thereupon."

Mr. Burke, Mr. Wedderburn, and Mr. Hartley, spoke in favour of the motion; and Mr. Rigby, Mr. Thurlow, and Mr. Fox against it. However, it was agreed to, and made a Resolution of the House. Several gentlemen having petitions to present, and each being desirous of an early day being appointed for hearing them, the Speaker was embarrassed how to decide, or to which he ought to give the preference, and therefore desired the assistance and direction of the House. This produced a conversation; at length

Mr. Rose Fuller proposed, "That, whenever more than one petition, complaining of an undue election or return for the same, or for different, places, shall, at the same time, be offered to be presented to the House, Mr. Speaker shall direct such petitions to be all of them delivered in at the table; and the names of the counties, cities, boroughs, or places, to which such petitions shall relate, shall be written on several pieces of paper, of an equal size; and the same pieces of paper shall be then rolled up, and put by the clerk into a glass, or box, and then publicly drawn by the clerk; and the said several petitions shall be read in the order in which the said names shall be drawn respectively."

After a short debate, this Resolution was carried. The petitions, ready to be presented, were immediately delivered, and the Clerk proceeded according to the new regulation.

Debate in the Commons on the Exclusion of Strangers.] Dec. 12. Mr. *T. Townshend* rose and said, he did not wish to make a motion, but he had often lamented that the gallery doors of that House were shut against the Peers; for by that means several young lords, who wished to hear and be instructed, were deprived of the privilege; that he by no means meant to open the gallery for the admission of peers, with a view that it would influence them to open their doors; but as both Houses had acted absurdly, in his opinion the first that corrected the absurdity would stand on the highest ground.

Mr. *Rice* said he had no objections to the doors being opened; but as the behaviour of the Lords had been so outrageous, he should be against allowing them any admittance, lest it should be construed as a concession; that the question, whether the doors of the House of Lords should be open had lately been discussed, and they had absolutely refused to let them.

Mr. *Hans Stanley* gave it as his opinion, that all strangers, whenever it was convenient with respect to room, should be admitted into the gallery; and said, he thought it hard that gentlemen who had been waiting for hours to gain admittance, should be turned out as soon as a debate on a question which they thought curious and interesting, came on.

Sir *Gilbert Elliot* was not only for admitting peers and their sons, but the sons of members also. Since the Lords had behaved improperly, the Commons should set them the example of good manners.

Colonel *Barré* said, he had been told, that in the latter end of the reign of George the first, or the beginning of George the second, a like affair happened; both Houses shut the doors against each other. Upon which John duke of Argyle gave it as his opinion, that the peers of the land, by their birth and education,

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ought to be more polite and have better manners than the Commons; and that therefore it was expedient in them to set the Commons an example and open their doors.

Mr. *T. Townshend* said, he perfectly agreed with an hon. gentleman that the outrageous behaviour of the Lords ought not to be forgotten, and that he should have wished to have resented the insult personally to those who were daring enough to offer it. Several of the peers had expressed to him that they were ashamed of the proceedings of their brethren, and meant to have voted against them.

Mr. *Edmund Burke* said he by no means agreed with the duke of Argyle, that the peers of the realm had more manners than the Commons. He touched upon the pride of the peers, and said he apprehended more true politeness was to be found among the country gentlemen: he then argued in favour of opening the doors of both Houses on the principle of duty, declaring that if he could do his duty completely without, he would never desire to enter the doors of the House of Peers; but he was very well convinced, that upon certain occasions it was absolutely necessary the members should have free access to their respective Houses; that a great commercial Bill, the importation of provisions from Ireland, would probably have been lost, if he had not had access to the House of Peers, to explain the principles on which that Bill went; and that if the doors of that House had not been shut against the Lords last session, the Bill for the security of Literary Property would never have been rejected with such contempt, after it had passed the House of Commons; for if the young peers had come down and heard the arguments on it, it would have met with a different fate.

Here the matter dropped.

Bill for preventing Expences attending Elections.] Dec. 12. Mr. Rose Fuller moved, that the last of the Resolutions, which, upon the 5th of May last, were reported from the committee, who were appointed to consider of the laws in being, relative to the election or returns of members to serve in parliament, might be read. And the same was read as follows:

"Resolved, That, in some counties in this kingdom, by reason of their great extent, or the particular situation of their county towns, the freeholders cannot, but at their great expence, fatigue, and loss of time, be convened together at any one place, to make elections for knights of the shire; and that provision should be made, that, in such counties, the poll, if demanded, at the proclamation of the writ, may be taken at certain different places, for certain different districts within such counties."

Mr. *Rose Fuller* then observed, that it appeared at that time to the House, that there were several large counties, where it was extremely inconvenient for the freeholders to attend at an election for members to serve in parliament; he begged therefore, to acquaint them with what came within his own knowledge. He said, he resided in a county (Sussex) where he was eighty miles from the place of election, and that there were several freeholders who lived above a hundred miles off, and were obliged to go to give their suffrages at the expence of 4*l.* each, which he looked upon no less troublesome than expensive. He therefore moved, "That leave be given to bring in a Bill, for further preventing the expences attending elections of knights of shires, and for the more easy attendance of freeholders at such elections;" which was agreed to.

Debate in the Commons on the Navy Estimates.] Dec. 12. The House having resolved itself into a Committee of Supply,

Mr. *Buller* moved, That 16,000 men be employed for the Sea Service, for the year 1775, including 4,284 marines. He prefaced his motion with setting forth, that Admiral Harland was daily expected from the East Indies, with three sail of the line, and by that means 16,000 would be sufficient, which was 4,000 less than last year.

Mr. *T. Townshend* desired to know why 20,000 were necessary last year, and 16,000 would do this; and what quantity were necessary to be sent to America, and what proportion left to guard us at home.

Mr. *Buller* attempted to solve these questions, but could not; he therefore read an extract of a letter from admiral Amherst, commander at Plymouth, informing, that they had several supernumerary seamen, and that their guard-ships were full; that the number of ships in America were three third-rates, one fourth-rate, six sixth-rates, seven schooners, and two armed vessels; the number of seamen 2,835.

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Mr. *Luttrell* said he was much surprized to hear the hon. gentleman mention the state of our seamen in such a manner; that, had he been apprized of the business coming on that day, he would have prepared himself to have answered him more fully; yet he was so much a judge of maritime affairs as to know it was impossible that the ships or seamen the hon. gentleman had mentioned to be in America could be there for some months, for ships that went out at this season were prevented by winds and weather, so that they were obliged to go to the West Indies or put back, and could not arrive in America till the spring: that he should be glad to be informed whether or not the seamen sent in the fleet to America were taken out of the guard-ships here, which consequently weakened our strength at home, and left us almost defenceless; and whether the admiral's account of the full complement of men did not include those draughted off to other ships, and sent to America, which might be set down as lost, but were absolutely lost, as a defence to this country, until they returned.

Col. *Barré* said, he had been informed, that unless admiral Harland arrived in ten days, it would be impossible for him to arrive in less than four months, therefore the number of seamen expected from his coming home was very precarious and not to be depended on.

Mr. *Hartley* desired to know the number of ships that were on the American station before the present disturbance.

Mr. *Buller* answered, one fourth-rate, six sixth-rates, seven schooners, two armed vessels, and about 1,900 men.

Col. *Barré* desired to know what force we had at home to defend us against any attack of an enemy.

Mr. *Buller* replied, 5,900 men in the guard-ships, and 1,168 men in the other ships on the British and Irish coasts.

Mr. *Luttrell* said, he was much afraid as we would not take the Spaniards' words, that they would not take ours, but take advantage of our weakness, and repay themselves for the piracies we committed prior to the last war.

The Resolution was then agreed to.

Dec. 13. Lord *John Cavendish* begged leave to state to the House the conduct of administration in one or two points, particularly respecting the naval establishment for the ensuing year. He observed, that there was 4,000 seamen voted for the present year less than the preceding one, notwithstanding the speech from the throne announced the very critical and alarming situation of affairs in America. This was a conduct he could by no means reconcile; for taking the speech to have been framed upon right information, as calling for measures of a spirited and decisive nature, what sort of correspondence there was between the contents of the speech and the naval establishment, was more than he could possibly discover. But were he to declare his sentiments, he feared it would be found to be a mere ministerial trick: a forming of estimates, in the first instance, that were never intended to be adhered to, or rather designed as mere waste paper, and afterwards surprize and drive the House into grants of a very improper and burdensome nature. Such being his suspicions, he could not face his constituents without previously knowing what he must tell them, both in relation to further burdens, and what was involved in such an enquiry, if compulsive measures were really intended to be pursued towards the Americans; for to talk of enforcing the acts upon a reduced establishment, either naval or military, was a sort of language fit to be held only to children.

Lord *Beauchamp* said, that the noble lord had communicated to him, that morning, his intentions of moving something on the subject matter of the present conversation; that he had accordingly apprised the noble lord who presided at the Treasury therewith; and that his lordship had authorised him to acquaint the House, that he had no information whatever to lay before it; nor measures to propose respecting America. He was therefore of opinion, that as the noble lord was indisposed and absent, it would be better, particularly as there was a very thin House, to suspend all further solicitude, till his lordship should have an opportunity of fully explaining the motives of his conduct in person.

Mr. *Cornwall* endeavoured to apologize for the minister's conduct. He insisted, that the present was not a proper time to enter into any discussion relative to American affairs; that the naval reduction, he presumed, was founded on good and substantial reasons, however the motives which gave birth to them might vary with the circumstances; and, that when the question concerning Great Britain and the colonies came in a parliamentary way be-

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fore the House, every member would then be fully at liberty to deliver his sentiments and maintain his opinions.

Mr. *Burke* answered, and was extremely severe on the conduct of administration. Among a variety of other things, he compared the House of Commons to a dead senseless mass, which had neither sense, soul, or activity, but as it derived them from the minister. If his lordship chuses to tell them one day, that America is in a state little short of actual rebellion, it is all very well; if in a few days after, he acquaints them, at second hand, that he had no information whatever to authorize such an assertion, who can doubt his candour and his veracity? Both assertions still remain uncontradicted, and all must be silence. A few days since it was indecent to call for papers, because they could be had; to look for them now would be improper, because they cannot be had. That however absurd it might seem, such a conduct was nevertheless founded on system; for if matters turned out well, the merit would be imputed to the minister; whereas, if they should be attended with miscarriage or misfortune, it is no more than applying to parliament, and every thing will be set to rights; that is, "we despise the parliament, who are our only proper and constitutional counsellors; but when we have blundered and ruined our affairs, perhaps beyond a possibility of redress, then we will come to parliament"—to do what?—to remedy what is incurable, and to recover what can never be regained! It is an old device, though methinks not a very wise one, to trust to the chapter of accidents. The book in which it is contained, has the beginning and the end torn out. This valuable chapter counsels you to trust to accidents, because accidents are sometimes productive of good fortune. He concluded his observations with remarking, that ignorance and folly are nearly allied; that to effect the latter, we must be held in ignorance, and that by both, we would be the fitter to receive vigilance, activity, information and knowledge, whenever the minister thought proper to communicate one or inspire the other.

Sir *William Mayne* condemned the very extraordinary conduct of those in power, in withholding from the House the necessary information, or at least the best they had; and, laying his hand on his breast, solemnly protested he would never have voted for the address without the proposed amendment, had he imagined they meant to refuse the necessary explanations, on which the speech was supposed to be founded.

Mr. *Hartley* rising to speak was interrupted, and informed from the chair, that as there was no question before the House to debate on, gentlemen could not be permitted to proceed in such a disorderly manner. However, being desired to proceed, he quoted several instances, since the year 1765, both by petition and otherwise, wherein the Americans offered to contribute towards the public support, by way of requisition. He therefore submitted it to the consideration of the House, whether it would not be proper to suspend the operation of the late Acts relative to Boston, *pro tempore*, in order to see if the colonists still continued to be of the same way of thinking; and if they did, then to have requisitory letters under the great seal issued, and directed to the several provinces, requiring them to contribute in certain proportions towards the public expence.

Lord *Beauchamp* observed, that the present was no more than a desultory conversation; that he perceived the hon. gentleman mistook entirely the design of the late Acts, for they were not directed to the question of taxation, but were meant to apply, as a particular punishment for certain outrages and acts of disobedience committed by the inhabitants of Boston alone.

Lord *John Cavendish* replied, that the present conversation, as originating with him, was not immediately connected with the propriety of the conduct of Great Britain, or America, but was simply intended to prevent a deceit being put or practised on the House by framing ideal estimates, which were afterwards, at a very improper season, perhaps, meant to be increased.

Lord *Beauchamp* reminded the House how very irregular it was to continue to debate in this manner; and said, that as the army estimates were to be taken into consideration on the 16th, when probably the House would be full, and the noble lord, who could give satisfaction in this business, would be present, begged that any further consideration of it might be deferred till that day.

Captain *Luttrell* replied, That this was a very uncommon way of satisfying the House; for, by this mode of reasoning, if the noble lord should not, or could not

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attend, they must submit, and go to the country without any information whatever.

Mr. *Rose Fuller* said, a motion ought to be made before the holidays, for a committee on the present state of America.

Debate in the Commons on the Army Estimates.] Dec. 16. The House having resolved itself into a Committee of Supply,

Lord *Barrington* moved, that a number of land forces, including 1,522 invalids, amounting to 17,547 effective men, commission and non-commission officers included, be employed for the year 1775.

Mr. *Rose Fuller* desired to know in what manner the troops serving in America were stationed; and what number were now on service at Boston, or were intended for it?

Lord *Barrington* answered, that the force now on duty there, consisted of seven battalions and five companies of artillery; and he knew officially, there were three battalions more ordered to join those at Boston.

Mr. *Fuller* said, that he had no motion to make, but should be glad to know from the noble lord at the head of the Treasury, if he had any information to lay before the House, or any measures to propose respecting America; because, if he had not, he thought it the duty of parliament to interpose and call for papers, and proceed on such information, however defective, as well as they could. He added, that he looked upon the measures adopted by the last parliament, impolitic and impracticable; and that they could never be prudently or effectually put in execution.

Lord *North* confessed the very great importance of the subject now mentioned. He said, it would require the utmost diligence and attention, as a matter of the greatest magnitude ever debated within those walls. He could not, he said, entirely acquiesce in the condemnation of measures hastily, which had been taken up and adopted upon such weighty motives; that at the time, it was impossible to foretel precisely how they might answer; but the shortness of the time and other circumstances considered, they ought to have a fair trial before they were reprobated; and that the wisdom and policy of them could be only finally known in the event. He concluded by assuring the House, that he had information to lay before it, shortly after the holidays; and that he would so far adopt his hon. friend's ideas behind him, (Mr. Fuller) as to propose to appoint a committee for taking the affairs of America into consideration.

Mr. *T. Townshend* declined entering into any consideration of the present state of America; but desired to know from the noble lord, whether the present estimates were meant to be real ones, or whether intended to be held out to the House and the public, as very moderate; while they were to be led, unawares, into a heavy expence, under the heads of an encreased navy debt, services incurred, and not provided for, and perhaps a vote of credit?

Lord *North* replied, the forces now demanded were sufficient, unless from the conduct of the other colonies it should be judged necessary to extend the line with respect to them.

Governor *Johnstone* said: I think a true determination upon this question can only be made after knowing the plan which the gentlemen in administration are resolved to pursue, with respect to American affairs. It is now clear, that the people of America, actuated with the same firm and resolute spirit, and tinctured with the same enthusiasm which enabled our ancestors to withstand the unjust claims of the crown, in the days of Charles the 1st, are determined to resist the high doctrines of parliamentary supremacy, held forth by this country, which must, in its consequences, reduce their liberties to a level with the colonies of France and Spain. If we are resolved to adhere to those incomprehensible tenets, echoed with so much applause in the last parliament, and on the first day of the present sessions, nothing but the sword can now decide the contest. In that event it is in vain to suppose that the peace establishment of the army now proposed will be sufficient; for every wise man must foresee, that our rivals in Europe cannot be idle spectators in such a scene. Supposing then, a sufficient force is employed to subdue the Americans, this country must be left destitute of the necessary defence. No man is less desirous of augmenting a military establishment than myself. I foresee that the liberties of this country must, in the end, fall a sacrifice to that power which has annihilated the rights of mankind in other states. Between the danger from abroad, and the danger from those who are to defend us, according to the present establishments of Europe, the situation is very nice. For my own part, however wisely the military system is interwoven into our constitution

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in time of peace, citizen and soldier happily intermixing with each other in equal privileges, yet upon an invasion, or a civil war, when men of high minds come to assemble in military camps, with the weapons in their hands, the contagion of power will soon spread; nevertheless, we must maintain (though with a watchful eye) a necessary force for defence, in case of invasion. I speak as a seaman, confident, that whenever France shall find an enterprizing officer, capable of conducting such an attempt with skill and resolution, that the landing of an army in this country is not to be prevented, by all the ships we can arm, while the elements continue so various, and the distance so short. There are several methods to accomplish this, which I shall not repeat here, from prudential motives; but I am so convinced of the truth of my assertion, that I consider it as the duty of every man in this country to be ready to dispute the fate of this kingdom on a battle; and if we are left without a necessary strength to support wavering minds in such a conjuncture, while we are thinking of depriving our fellow-citizens of their just and legal rights in America, we may, as a proper punishment, lose our own. It is true, that, by the present vote, we do not preclude ourselves from an augmentation in the course of the session, in case the exigencies of the state shall require it, and so far I am willing to assent to the present motion; but, I beg gentlemen in administration will, in the mean time, draw no merit from proposing so low an establishment, unless they intend to alter their measures; since it is undoubtedly inadequate to our situation; and I would likewise caution the landed interest, not to plume themselves on the escape they have made, since it is equally evident, a further taxation, if not included in the general vote of this year, must be demanded by extraordinaries, or a vote of credit, to meet them next session, under the multiplied expences of that mode of raising money.

With regard to the navy, I confess it to be extremely hard, that the noble lord should be attacked in the last session of parliament for too great profusion, and blamed in this for the reduction that was then deemed necessary: but I am not one of those who are captivated with a simple proposition upon paper, when all the avenues of extravagance are kept open; while the situation of our affairs, from the worst judged policy, necessarily leads us to open these sluices of expence. It is therefore in vain to hold out œconomical resolutions in our votes, when our conduct must produce a contrary effect. I hope, however, that the sentiments of gentlemen on the subject of American affairs begin to alter. I hope, they will now see what men, uncorrupted by the luxurious vices of a great capital, are capable of suffering, in support of essential privileges; and that the flattering expectations of seeing America at our feet, are now vanished.

To those who conceive that men are to yield their rights from oppression and distress, I would recall to their memory the sufferings of the late parliament of Paris. The haughty mind of a debauched minister and an imperious chancellor had induced the late king of France to violate all the ancient and established privileges of that august body, the only remaining check against the despotism of the monarch: even men of wit and genuis were found base enough to vilify the claims of the parliament; for I am sorry to observe, that fortitude of mind does not always accompany excellent talents; and that many men possessing those rare gifts are too often induced to lend their ingenuity to the hand that pays them, in support of the doctrines of the day. Is it possible for any of the people of America to undergo greater distress than those worthy patriots in France have suffered? Deprived of their office and subsistence, banished from their friends, vilified by the court, no prospect of a change; yet supported by principle and a good conscience, they have now seen their day of triumph, and felt the reward of virtue; securing to their country, by their perseverance, more essential rights than have been obtained by three civil wars. After such concessions from the king of France, shall the king of Great Britain be ashamed to yield to the just cries of two millions of his subjects!

I know all the arguments which are used to entangle weak men in support of the present arbitrary tenets. The subject, indeed, is complicated; and men are confounded, more than convinced. It is said that legislation existing in the parliament of Great Britain, taxation, which is a part of legislation, must necessarily be included. The various privileges which subsist in every free state, are hardly to be determined by any reasoning *à priori*. Such dilemmas occur on every subject.

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Can any position appear more ridiculous to those who maintain the doctrines of virtual representation, than, that a borough should send two members to parliament, without house or inhabitant? And yet there are many who hear me, strenuous advocates against American charters, that hold their seats in this House under such a curious representation. At the same time, I confess the basis of the constitution depends on preserving their privileges entire, since no man can say how far the reform would reach; and the whole art of government consists in preserving to every one his established rights. The most certain science we know, is mathematics; yet, if I was to say to many men, that two lines might approach nearer and nearer to all eternity, and never could meet, they would think the assertion ridiculous and absurd. Nevertheless, there is nothing so certain as the truth of that theorem. It is equally true, that legislation may exist without the power of taxation. The kingdom of Ireland, within our own dominions, is a proof of what these learned gentlemen assert to be so impossible. A worthy member, in my eye (Mr. Rigby) being pressed with this argument in the last session of parliament, from the fairness of his mind, he avowed, as his opinion, 'that we could tax Ireland.' I remember there were some gentlemen in the gallery when this declaration was made, whom I immediately perceived, by the contorsions in their countenance, to be Irish members. Next day the worthy member chose to make some apology to his friends. He said, no parallel could be drawn between Ireland and the colonies; for Ireland had a paraphernalia; and this satisfied both the English and Irish members. For my part, I do not see what difficulty can occur, in leaving the different colonies on the same footing of raising money by requisition, as from the people of Ireland. If it is thought this manner of raising supplies might throw too much power into the hands of the crown, that power might be limited, so as not to be exerted, except upon the address of both Houses of Parliament, such as has been lately adopted respecting the prerogative in regulating the coin. I am still hopeful, that the tense chord, on which our American creed has been said and sung, will be relaxed. I think I perceive the tone of the noble lord is not so loud, or so lofty, as on some former debates on this subject. I hope it does not proceed from want of health, in which case, no man could feel more sorrow for his lordship than myself; but, I hope, it arises from a more serious and deep reflection on the subject, where his own good sense has had room to operate, free from those violent associates, who seem to have precipitated his lordship into such harsh and cruel measures, contrary to his own natural good temper. Here, then, I shall conclude, as I set out, hoping, that generous, just, pacific measures will be adopted; but still insisting, that no man can determine properly on the number of forces to be employed, until we know the measures that are to be pursued respecting America.

Mr. *Fox* said, it was proper to include Ireland in all the debates upon American taxation, in order to ascertain the parliamentary right of taxation over every part of the British dominions.

Lord *Clare* jocularly complimented Mr. Rigby highly on the exceeding popularity, reverence, and esteem, that gentleman was held in by the whole Irish nation; that there was no man in England or Ireland more loved or revered.

Mr. *Rigby* said, he acted in that country as secretary to the lord lieutenant; which, on many accounts, was rather an invidious and critical station; that the sentiments now alluded to, he maintained upon general principles; that his opinion was not singular, for he was supported in it by a statute, passed in the reign of George the first; that he begged to be understood, according to the obvious construction of that statute; and that, according to that sense of it, he still continued to be of opinion, that the legislature of Great Britain had a right to make laws to bind Ireland, and all the other members and dependencies of the British empire.

Mr. *Cruger*, the new member for Bristol, an American by birth, spoke next. I rise, Sir, to say a few words on this important subject, with all the diffidence and awe which must strike the mind, on a first attempt to speak before so august an assembly. Had I remained silent on this occasion, I must have condemned myself for seeming to desert a cause which I think it my duty to espouse. I cannot but be heard with candour by Englishmen, when what I offer is dictated by a love to my country.

I am far from approving all the proceedings in America. Many of their

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measures have been a dishonour to their cause. Their rights might have been asserted without violence, and their claims stated with temper as well as firmness. But permit me to say, Sir, that if they have erred, it may be considered as a failing of human nature. A people animated with a love of liberty, and alarmed with apprehensions of its being in danger, will unavoidably run into excesses: the history of mankind declares it in every page; and Britons ought to view, with an eye of tenderness, acts of imprudence, to which their fellow-subjects in America may have been hurried; not as has been unkindly said, by a rebellious spirit, but by that generous spirit of freedom, which has often led their own ancestors into indiscretions.

Acts of severity are far from having a tendency to eradicate jealousies: on the contrary, they must produce new fears, and endanger that attachment and obedience, which kindness and gentleness might have insured.

No country has been more happy in its colonies than Great Britain. Connected by mutual interests (till the æra of the fatal Stamp Act) they flourished in an intercourse of amity, protection and obedience, supporting and supported by each other. Before that hated period, we meet with no instances of disobedience to your laws; no denial of the jurisdiction of parliament; no marks of jealousy and discontent. They ever loved liberty; their zeal for it is coeval with their first emigration to America. They were persecuted for it in this country; they sought a sanctuary in the unexplored regions of that. They cleared their inhospitable wilds, cultivated their lands, and poured the wealth which they derived from agriculture and commerce into the bosom of the mother country.

You protected them in their infant state, and they returned it, by confining to you the benefits of their trade. You regulated their commerce for the advantage of this country, and they never discovered an opposition, either to the authority or the exercise of it. Are these evidences of a spirit of disaffection to Great Britain, or ingratitude for its protection? Are they not rather proofs, that if the same line of mild and lenient government had been pursued, the same cordiality and submission would have been continued.

Every American, who loves his country, must wish the prosperity of Great Britain, and that their union may ever subsist uninterrupted. If the parental trunk is injured, the branches must suffer with it. A subordination on the part of the colonies is essential to this union. I acknowledge, Sir, that there must exist a power somewhere to superintend and regulate the movements of the whole, for the attainment and preservation of our common happiness: this supreme power can be justly and adequately exercised only by the legislature of Great Britain. In this doctrine the colonies tacitly acquiesced, and were happy: England enjoyed by it all the advantages of an exclusive trade. Why, then, strain this authority so much, as to render a submission to it impossible, without a surrender of those liberties which are most valuable in civil society, and were ever acknowledged the birthright of Englishmen? When Great Britain derives from her colonies the most ample supplies of wealth by her commerce, is it not absurd to close up those channels, for the sake of a claim of imposing taxes, which (though a young member) I will dare to say, never have, and probably never will, defray the expence of collecting them?

The expediency of coercive measures is much insisted on by some, who, I am sorry to say, seem to consider more the distress into which they will involve the Americans, than the benefits they can procure from such vindictive conduct to this country. Humanity, however, will prompt the generous mind to weep over severities, though they may be even necessary; and a prudent statesman will reflect, that the colonies cannot suffer without injury to Great Britain. They are your customers; they consume your manufactures:—by distressing them, if you do not drive them to foreign markets, you will most assuredly disable them from taking your commodities, and from making you returns for what they have taken.

Should coercive measures reduce them to an acknowledgment of the equity of parliamentary taxation, what are the advantages which will result from it? Can it be thought that the Americans will be dragooned into a conviction of this right? Will severities increase their affection, and make them more desirous of a connection with, and dependence on Great Britain? Is it not, on the contrary, reasonable to conclude, that the effect will be an increase of jealousy and discontent; that they will seek all occasions of evading laws imposed on them by violence; that they will be

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restless under the yoke, and think themselves happy under an opportunity of flying to the protection of any other power, from the subjection of a mother, whom they consider cruel and vindictive?

I would not be understood, Sir, to deny the good intentions of administration. The abilities of the minister, it seems, are universally acknowledged; but I must add, *humanum est errare.* Though an American, I applaud his jealousy for the dignity of parliament, and think the impolicy and inexpediency of the late measures may reasonably be imputed to the difficulty of the occasion, and the unsettled and undefined nature of the dependence of the colonies on the mother country; and *vice versa*, candour must admit the same apology for the violences and mistakes of America.

But since these measures have been found, by sad experience, totally inadequate; since they have widened the breach, instead of closing it; diminished the obedience of the colonies, instead of confirming it; increased the turbulence and opposition, instead of allaying them; it may be hoped, that a different plan of conduct may be pursued, and some firm and liberal constitution adopted, by the wisdom of this House, which may secure the colonists in their liberties, while it maintains the just supremacy of parliament.

Sir *William Mayne* drew a melancholy picture of the sufferings of the Irish; said that all promises had been shamefully broken with them; that pensions to the amount of 10,000*l.* per annum, had been lately granted on that miserable, ruined, and undone country; and that the Castle was an asylum to every needy, servile, cringing apostate, that would bow the knee, and barter every thing which should be dear to him, for emolument and court favour.

Lord *North* took notice, that an hon. gentleman (governor Johnstone) had alluded to something he had said on a former occasion relative to Great Britain never receding or relaxing, till America was at her feet; his lordship observed, that it was hardly fair to quote what a man had said seven years before, and what he had explained on the spot before he left the House; this explanation then, and now was, he said, that by being at the feet of Great Britain, he meant obedience to the mother country: such as, if they thought themselves aggrieved, to apply by petitions and dutiful remonstrances to the parliament or the throne. He said, he thought it the duty of every member, as well in the House as out of it, to interpret what might fall in the heat of debate, or warm discussion, in the manner it was explained by the speaker; that if he had been thus candidly dealt with, the author of a late pamphlet, written in America, could never have asserted, that he insisted that Britain should never recede, till the laws and liberties of America were at her feet; for as he never meant one, so he never said the other. And he wished, that on the present occasion he should be understood according to his present explanation, and no other.

Mr. *Hartley* was for making the Americans contribute to the general defence of the empire, by way of a requisition, and read one or two passages in some American proceedings, to shew their willingness to comply with such a measure.

The Resolution was then agreed to.

Debate in the Commons on continuing the Land Tax at only Three Shillings in the Pound.] December 19. The House went into a Committee of Ways and Means for raising a supply to be granted to his Majesty.

Lord *North* stated from a paper which he held in his hand, in detail, the amount of the grants and services. He said, the former amounted hitherto but to 75,000*l.* the duty on malt; that the services to be incurred were navy and ordnance for sea service 830,000*l.* guards, garrisons, &c. 627,000*l.* military establishment in America, West Indies, and Africa, 386,000*l.* difference of pay between British and Irish establishment, 2,800*l.* staff-officers, 11,000*l.* Chelsea, 122,000*l.* ordnance for land service, 228,000*l.* services incurred and not provided for ditto the present year, 32,000*l.* in all amounting to, with the fractions, 2,244,000*l.* He observed, that the land tax continued at 3*s.* would produce 1,500,000*l.* which added to the malt, would amount to no more than 2,250,000*l.* making a surplus of 6,000*l.* He acquainted the Committee further, that the militia money and the general deficiencies amounted last year to 580,000*l.* and would for the present be at least 400,000*l.* And that for these reasons he should move, That the land tax for the ensuing year be 3*s.* in the pound, which was agreed to.

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December 20. The Report from the Committee of Ways and Means was brought up. On the question for agreeing to the land-tax of 3*s.* in the pound being put,

Mr. *Hartley* rose, and in a mild, sensible speech, enlarged upon the very extraordinary conduct of administration concerning American affairs. He said, the accounts from that country were truly alarming; that the resolutions of the continental congress evidently proved, that the people were determined not to submit to the late Acts passed in relation to America, nor to any other of a like complexion; that the troops now stationed at Boston, and the inhabitants of that town, had no means of procuring subsistence but by sea, or from the country; that either method was now equally difficult, as the harbour would be frozen up, and the land carriage, even if subsistence was to be had, rendered impracticable, as the country would be covered with snow; and that under such circumstances, the situation of the troops would be no less deplorable than that of the miserable inhabitants.—He continued to say, that he was not well versed in sieges, but if he understood right, he took it, that the town of Boston was surrounded by general Gage with lines of circumvallation; and that such being the very critical state of things, respecting both the situation, the temper, and disposition, of the military and the natives, he submitted it to the gentlemen on the other side, how they could reconcile it to the duty they owed to the nation in their public, or to their constituents in their private capacity, to agree to a long adjournment, while things remained in so dangerous and alarming a state, without taking any one step to avert the numerous and fatal mischiefs which they portended. For his part, he affirmed solemnly, he would much rather sit on Christmas-day, and continue to do so, *de die in diem*, than go to the country in so critical a season, without, at least, agreeing to some measures, though they should extend no further than prevention.

Mr. *Rose Fuller* said, that we were too precipitate in our last measures, and that was the chief reason why they miscarried; that he foresaw at the time they would answer no end, but to inflame; nor ever would, while they were continued to be directed to the same end; on which account he would be much better pleased that the affairs of America, the necessary information first had, were taken up on mature deliberation, and discussed with coolness, in order in the end to come to a wise, deliberate, and rational decision.

Mr. *T. Townshend* said, that whatever that decision might be, the conduct of administration was for the present extremely reprehensible; for while we were informed from administration that America was almost in a state of rebellion, the land, the malt, the navy, and the army, were voted with as much ease, and without a single syllable, as if that country was in a state of the most perfect tranquillity and obedience: for, concluded he, either the information we have had is false, which I can hardly suppose, or the estimates on the table are by no means proportioned to the objects which are recommended from the throne: for instance, if the army now in America be to be augmented, or the ships stationed there reinforced, the 3*s.* land-tax now voted will certainly be insufficient; and the deficiencies must be made up without the knowledge of parliament, by a vote of credit to defray expences incurred in the support of measures, with which at present it is evident we are totally unacquainted.

Mr. *Rigby* facetiously replied, Would the hon. gentleman have a war establishment in time of peace? Would he have us embrue our hands in the blood of our countrymen on the other side of the water? I dare say no man in this House is ignorant of my sentiments, and yet I should shudder at the thought. The hon. gentleman complains that the land, the malt, &c. is voted without a syllable being said: pray whose fault is that? He would not have, I presume, the gentleman who presented the navy estimates, rise and condemn them; he would not desire the noble lord, I suppose, who laid the army estimates before you, to tell the House that the number of troops to be employed in America was insufficient, considering the state of that country; nor the noble lord who proposed the tax of 3*s.* in the pound, to inform us in the same breath that it ought to be four. Who, then, is to blame? Those who are convinced that the estimates and grants are too low, and will not speak, or those who think them sufficient, and declare their opinions? For my part, I do not think myself capable of defending the gentleman now alluded to; nor have I, nor do I pretend to speak from any information of my own; but as the establishment is a peace establishment,

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as I always thought that the present is a very proper one, till I am informed that a war establishment is become necessary; and as I voted for taking off the other shilling, I shall give my vote that the land tax be 8*s.* for the ensuing year. The other hon. gentleman says, the port of Boston is frozen up this season of the year; I have conversed with many on the subject, who have assured me of the contrary: whether it be, or be not, I cannot see how our sitting here on Christmas-day, or the whole holidays, can be the means of relieving the army, or the inhabitants, or of preventing the mischiefs he seems so much to dread.

Mr. *Edmund Burke.* I should not have risen in this debate, if I had not heard the moderation of one gentleman, (Mr. Fuller) and the precipitation of another, (Mr. Hartley), stated as if militating against each other. Now, Sir, I, who see matters in another light from the right hon. gentlemen on the floor, can easily perceive them to be exactly correspondent. The former, from his experience of what has been already done, is cautious and willing to avoid repeating our former blunders, or adopting others of a similar nature: but is for having matters coolly considered, fully investigated, and wisely and effectually determined; the latter, aiming at the same point, considering the circumstances in the most urgent and pressing light, is more eager to arrive at the completion of his wishes, not perhaps contemplating or foreseeing the obstructions that may retard him in his progress. The right hon. gentleman's confessed ignorance of what is proper to be done, or the measures his friends mean to adopt, I am extremely ready to believe; and have no reason to doubt but their present knowledge and foresight are nearly on a par. He certainly mistakes the matter, if he supposes that we on this side of the House, wish for a war establishment in time of peace: no, Sir, what we object to is, that a speech which breathed nothing but war, and accompanied with the motives of such a declaration, should, without any cause whatever assigned, at once sink into a tranquil silence; a peace establishment formed on the lowest scale.

I am not now contending what the establishment ought to be; but I contend, that the one already voted by no means corresponds with the intimations given to this House from authority. I know that a heavy peace establishment is ruinous and destructive to any country where it is kept up. I remember very well too, that I, among others on these benches, have been long dinning this doctrine in the ears of the minister. I remember likewise, that for so doing we were called factious and discontented. And I am now happy in the flattering idea, that factious and discontented as we are, we happened for once to be right; for the great man who conducts the public affairs of this country, has given ample testimony to our wisdom, by adopting what he and his friends for three successive sessions charitably imputed to ignorance or disappointed ambition. Nor am I less happy in another instance of the same kind. The noble lord below me on the floor (lord Beauchamp) being requested to learn from the minister, if he had any information to lay before us, or measures to propose, came posting to the House with the halcyon tidings, that all was peace and tranquillity; and that he had none. Here again the same factious spirit obtruded, and broke the calm enjoyments which might be derived from such a happy state of things; for some of us, who are never to be satisfied, relapsed into our former turbulence and discontent. What was the consequence? Why, it seems turbulence and discontent once more had reason on their side, and the minister came forward and assured us himself, that he had information to lay before the House, and measures to propose.

I cannot sit down, Sir, without first saying a word or two on the solicitude the hon. member on my left hand (Mr. Hartley) has expressed for the situation of general Gage, and the troops under his command. It is, I confess, most humiliating and mortifying; and it is difficult to say, whether those who have put them into it deserve most our compassion or our ridicule. It is, indeed, an absurdity without parallel; a warlike parliament, and a patient forbearing general. I would not be understood to reflect on the gentleman, who I understand is a very worthy, intelligent, deserving man; no, Sir, it is those who have sent him on such an errand that are to blame. The order of things is reversed in this new system. The rule of government now is to determine hastily, violently, and without consideration, and to execute indecisively, or rather not execute at all. And have not the consequences exactly corresponded with such a mode of proceeding? They

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have been measures not practicable in themselves in any event, nor has one step been taken to put them into execution. The account we have is, that the general is besieging and besieged; that he had cannon sent to him, but they were stolen; that he himself has made reprisals of a similar nature on the enemy; and that his straw has been burnt, and his brick and mortar destroyed. It is painful to dwell on such monstrous absurd circumstances, which can be only a subject of ridicule, if it did not lead to consequences of a very serious and alarming nature. In fine, Sir, your army is turned out to be a mere army of observation; and is of no other use but as an asylum for magistrates of your own creating.

Sir *William Meredith* rose, and after animadverting on the last speaker's being so eager to push things to extremities, which must end in a scene of bloodshed, imputed all the present troubles to the Declaratory Act asserting the supremacy of Great Britain, at the time of the repeal of the Stamp Act. He contended that the general had answered every purpose for which he was sent. The troops, he said, were for the protection of the magistrates, the protection of the property and trade of the merchants, and the enforcing of the Acts, all which had been fully accomplished; for the persons of the magistrates were safe, no injury had been done to any property since their arrival, and the port was now blocked up.

Mr. *Burke* rose, and complimented sir William on his great wisdom, and the sagacity of administration, in discoursing of which, if they had applied to him, he could have long since informed them. He once more returned to the asylum for magistrates. He said he had often heard of such places for thieves, rogues, and female orphans; but it was the first time he ever heard of an asylum for magistrates. As to the protection of trade, in a place where all sort of trade or commerce was prohibited, the task was a glorious, but not a difficult one. And as to the blocking up an harbour, it might be very true, but to him this mode of blockade seemed rather novel. Such an expression, it is certain, said he, might come with great propriety from me; but I must confess I never heard such a bull in my own country. At the entrance of Dublin harbour there is a north and south bull, but even there or elsewhere, such a bull as this I never heard.

Mr. *Cornwall* rose with some warmth. He observed, that there was no question now before the committee, respecting America; that it was extremely irregular, improper, and unfair, to introduce a discourse of this kind, just at the eve of an adjournment, in such a disorderly, unparliamentary manner; that he suspected it was done on purpose to embarrass administration, by conveying to the people, through the medium of the public papers, that administration were silent, and would not, or were not able, to answer; that such conduct might be of a very bad tendency, considering the very various and contradictory opinions entertained at almost every side of the House; that pressing for an increased establishment, though it should be necessary, if complied with at this time, would be extremely imprudent, as it would spread an alarm among the merchants, on account of their property; because, from the instant such a measure was determined on, all remittances, or perhaps commercial intercourse, might possibly cease, which, if it should happen, might be productive of the most dreadful effects. He concluded by asserting, that the measures now sported with, would stand the test; and that, from any thing which had hitherto happened, there was not the most distant reason for condemning them.

The question was put, and the House agreed with the committee in the Resolution of a three shillings land tax for 1775.

On the 22nd, the House adjourned to the 19th of January 1775.

1775.

PAPERS RELATING TO THE DISTURBANCES IN NORTH AMERICA.] January 19, 1775. Lord North presented to the House, by his Majesty's command, the Papers relating to the Disturbances in North America, of which the following are the most material:

Extract of a LETTER from the Earl of Dartmouth to the Hon. Governor Gage. Dated Whitehall, 9th April 1774.

The King having thought fit that you should return immediately to your command in North America, and that you should proceed directly to Boston, on board his Majesty's ship Lively, now lying at Plymouth, ready to sail with the first

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fair wind, I send you herewith, by his Majesty's command, a commission under the great seal, appointing you captain general and governor in chief of his Majesty's province of Massachuset's Bay, together with such instructions as have been usually given to governors of that province, for their guidance in the exercise of the ordinary and more permanent powers and authorities incident to that command.

What is further necessary for your direction in the present state of disorder and commotion within that province, and for enabling you to carry into execution the measures that have been, and probably will be adopted, for reducing it to a state of obedience to lawful authority, is of a more delicate and important nature, and requires more precise and particular instructions.

With this letter you will receive an act of parliament passed in the present session, for discontinuing the loading and unloading of goods and merchandise at the town and within the harbour of Boston; and also a Minute of the Treasury-board, containing the substance of such instructions as their lordships have thought fit to give to their officers in consequence thereof; and it is the King's command, that you do give them all proper and necessary assistance and support in the execution thereof.

To this end it will be expedient that you do, immediately upon your arrival, and so soon as your commission has been read and published, in the usual form, appoint a meeting either at the town, or within the castle (as circumstances shall point out) with the commander in chief of his Majesty's ships, the lieutenant governor, the commissioners of the customs, the chief justice, and the secretary of the province, in order to consider what steps it may be proper to take, for carrying the Act into execution, and for enforcing, if necessary, a due obedience thereto; and if Mr. Hutchinson should not be come away, in consequence of the leave he has obtained for that purpose, his advice and assistance, in this case, as well as in the execution of every other part of your instructions, will be of very great use and advantage to you.

His Majesty trusts, that no opposition will, or can, with any effect, be made to the carrying the law into execution, nor any violence or insult offered to those to whom the execution of it is entrusted: should it happen otherwise, your authority, as the first magistrate, combined with your command over the King's troops, will, it is hoped, enable you to meet every opposition, and fully to preserve the public peace, by employing those troops with effect, should the madness of the people, on the one hand, or the timidity or want of strength of the peace officers on the other hand, make it necessary to have recourse to their assistance. The King trusts, however, that such necessity will not occur, and commands me to say, that it will be your duty to use every endeavour to avoid it; to quiet the minds of the people, to remove their prejudices, and, by mild and gentle persuasion, to induce such a submission on their part, to this law, and such a proper compliance with the just requisitions it contains, as may give full scope to his Majesty's clemency, and enable his Majesty to exercise the discretionary power given him by the Act, of again restoring to the town of Boston, these commercial privileges and advantages which it hath so long enjoyed, and which have raised it to its present state of opulence and importance.

At the same time the sovereignty of the King, in this parliament, over the colonies, requires a full and absolute submission, and his Majesty's dignity demands, that until that submission be made, the town of Boston, where so much anarchy and confusion have prevailed, should cease to be the place of the residence of his governor, or of any other officer of government, who is not obliged, by law, to perform his functions there. It is therefore his Majesty's further pleasure, that so soon as the law for discontinuing the port shall have taken place, and every step has been pursued that is necessary to insure the execution of it, you do make the town of Salem the place of your residence, that you do require all officers (not included in the above exception) to attend you there; and that the general court, and all other courts and offices which are not by law fixed at Boston, be appointed and held at Salem, until his Majesty, satisfied, on your representation, that the laws of this kingdom will be duly observed, and government be again administered at the town of Boston without opposition, shall have signified his royal will and pleasure for the return of his governor to, and for holding the general court at that town.

The proceedings of the body of the people at the town of Boston, in the months of November and December last, were of such a nature and criminality, as

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to have fixt a deep degree of guilt upon those who were the principal ringleaders and abettors of those proceedings, and the measures proper to be taken for inducing the punishment of such guilt, become a very necessary part of the present consideration, relative to the state of the province of Massachuset's Bay.

The King considers the punishment of these offenders as a very necessary and essential example to others, of the ill consequences that must follow from such open and arbitrary usurpations as tend to the subversion of all government, and the rendering civil liberty unsafe and precarious; and his Majesty's subjects in the province of Massachuset's Bay in general, cannot give a better test of their love of justice, and respect for the constitution, than in their zealous endeavours to render effectual a due prosecution of such offenders.

If, however, the prejudices of the people should appear to you to be such as would in all probability prevent a conviction, however clear and full the evidence might be, in that case it would be better to desist from prosecution, seeing that an ineffectual attempt would only be triumph to the faction, and disgraceful to government.

The foregoing is all that I have at present in command from the King to say to you. I need not suggest to you the very great advantage that will result from your obtaining a just and perfect knowledge of the characters, inclinations and tempers of the principal people in the colony; such information must of necessity be of great benefit, and your own discretion will point out to you the use that is to be made of it.

The last advices from Boston are of a nature to leave but little room to hope that order and obedience are soon likely to take place of anarchy and usurpation; his Majesty however confides in your fortitude and discretion, and doubts not that all other officers, civil and military, animated by your example, will exert themselves in such a manner, in support of the constitution, and for enforcing obedience to the laws, as will recommend them to his Majesty's royal grace and favour.

Copy of a Minute of the Treasury Board. Whitehall Treasury Chambers, 31st March, 1774.—Present, Lord North, Mr. Townshend, Lord Beauchamp, Mr. Cornwall.

My lords take into consideration an Act to discontinue, in such manner, and for such time as are therein mentioned, the landing and discharging, lading and shipping of goods, wares and merchandize, at the town and within the harbour of Boston, in the province of Massachuset's Bay, in North America; and being desirous that the provisions of the said Act should be carried into execution, with all possible vigilance, dispatch and circumspection, as far as the same relate to the officers of his Majesty's customs established in the same town and province, transmit a copy of the said Act to the commissioners of the customs in America, and direct them forthwith to take such steps as they shall find necessary for the removal of their board from the said town of Boston to the town of Salem, in the said province of Massachuset's Bay, and that as soon as proper offices can be prepared for their reception and accommodation.

Direct them, together with all the officers belonging to their board, to repair to the said town of Salem, and there to execute the duties and functions of their commission, until they shall receive further orders, respecting the future residence and establishment of their board.

Direct them, at the same time, to give orders for the removal of the collector, comptroller, surveyor, and such other officers of the port of Boston as they shall judge necessary, to the town of Plymouth, or to the island of Nantricket, or to such other town or place within the limits of the said port, as shall appear to them most proper and most convenient for the trade of his Majesty's subjects; and let the said collector, and other officers, be ordered to establish themselves in the said town of Plymouth, or such other town or place as the commissioners shall appoint within the limits of the said port of Boston, and there to proceed and carry on, in the usual manner, the business of their several departments in the collection and management of his Majesty's customs, and in the execution of the laws of trade.

And in as much as it may be reasonably expected, that the trade within the port of Salem and Marblehead will be considerably increased during the continuance of the said act of parliament, and may require an additional number of officers to be stationed at those places to transact the business of the customs,

Direct the commissioners to take with them to Salem such of the tidesmen and in-

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cidental officers, now employed at Boston, as they shall think the service at Salem and Marblehead may demand; and recommend to their particular care and attention, that clause of the said Act which relates to vessels carrying coastwise, under the restrictions therein mentioned, fuel and victual for the necessary use and sustenance of the people of the town of Boston; and direct them to give express orders to the proper officers, to be vigilant and alert in visiting and searching all such vessels laden with fuel and provisions, as aforesaid, which shall enter the harbour of Marblehead, for the purpose of obtaining a transire, or let pass, pursuant to the late act of parliament; and, in case it shall appear to the officers employed in that service, by information, or by any probable cause of suspicion, that there are concealed on board any such vessels, any goods, wares, or merchandize, other than such fuel or victual, that then, and in every such case, such officers should be directed to oblige the master, or commander, of such vessel so informed against, or suspected, to unlade his cargo before he obtains such transire or let pass, in order to proceed to the town of Boston.

Let the commissioners take care, that, after the first day of June, 1774, and during the continuance of the said Act, no officers of the customs whatsoever be suffered to reside within the town or harbour of Boston.

In consideration of the losses which the collector, comptroller, and other officers upon the establishment, within the said port of Boston, must inevitably suffer by the diminution of the fees and perquisites of the respective offices, during the continuance of the said Act,

My lords direct the commissioners to report to their lordships, as soon as they can form any opinion of the matter, how much it may be reasonable to allow to such officers respectively, as a compensation for such their losses. Direct them, from time to time, by every opportunity, to inform my lords of the several steps they shall have taken in the execution of the said Act, and of their lordships' orders.

Acquaint them, that they, and all the officers under their authority, may depend on being supported and protected in the execution of the duties of their respective offices.

Inform them, that the lords commissioners of the Admiralty have dispatched orders to the admiral, commanders, and commissioned officers of his Majesty's ships of war on that station, to use the utmost vigilance and activity in the execution of the several provisions of the said act of parliament; and in case any of the officers in any of his Majesty's ships, or sloops of war, shall see occasion to require any officer, or officers of the customs, to be put on board any of the vessels under their command, direct the commissioners to take care that all such requisitions be duly complied with.

Transmit a copy of this Minute to Mr. Stephens, for the information of the lords of the Admiralty, and to Mr. Pownal, for the information of the earl of Dartmouth.

Extract of a LETTER from the hon. Governor Gage to the Earl of Dartmouth, dated Boston, 19th May, 1774. [Received 22d June.]

His Majesty's ship the Lively, in which I embarked at Plymouth on the 16th of April, arrived here on the 13th of this month. The late governor Hutchinson, the chief justice, the commissioners of the customs, and the consignees, were either at the castle, or dispersed in the country, not daring to reside in Boston: I went to Mr. Hutchinson, and remained with him at Castle William till preparations were made for my reception in Boston, where my commission was read and published, in the usual forms, on the 17th instant.

The Act for shutting up the port, got here before me; and a town meeting was holding to consider of it, at the time of my arrival in the harbour. They determined to invite the other colonies to stop all exports and imports to and from Great Britain and Ireland, and every part of the West Indies, till the Act be repealed, and appointed persons to go to Marblehead and Salem to communicate their sentiments to the people there, and bring them into like measures; which persons were to make their report at the adjournment, on the 18th, when the meeting was again held, and, I am told, received little encouragement from Salem and Marblehead, and transacted nothing of consequence.

I do not propose laying any thing before the new assembly at their meeting, except the common business of the province, if any occurs. I hear from many, that the Act has staggered the most presumptuous; but minds so inflamed cannot cool at once; so it may be better to give the shock they have received, time to ope-

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rate, and I may find the assembly in a better temper than usual, and more inclined to comply with the King's expectations at Salem, to which place they will be removed after the first of June.

Extract of a LETTER from the Hon. Governor Gage to the Earl of Dartmouth, dated Boston, 31st May, 1774.

I wish I had met with a ready disposition to comply with the terms of the act of parliament, instead of a resolution to ask assistance from the other colonies; but I do not find there is any inclination in the rest to shut up their ports, which was not to be expected, considering what they before suffered from their non-importation agreements. If they intend, or not, to take any resolutions in behalf of Boston, farther than giving good words, is not known here.

The violent party seems to break, and people fall off from them, but no means are yet adopted to comply with the Act. The assembly has shewn no disposition to begin upon it, but were hurrying the business of supplies through their house, to throw it off themselves, and to avoid meeting at Salem, by adjourning themselves when the supplies had passed their house; but receiving intelligence of their designs, I adjourned them on a sudden to the 7th of June, and then to meet at Salem.

They as yet have only presented me with a petition to proclaim a day of fasting and prayer; but as they have lately had a day of the kind, according to custom, and as I saw no cause for an extraordinary day of humiliation, I have judged it best not to comply.

I had a meeting with the late governor, the admiral, and commissioners of the customs, on the subject of putting the Act in force, in which, after putting some questions to the attorney general, the chief justice being absent, they appeared to agree in the manner of it. The officers of the customs remove to-morrow, when I also propose to leave Boston, and the admiral has stationed his ships.

No design has appeared of opposing the execution of the Act, nor do I see any possibility of doing it with effect; but many are impatient for the arrival of the troops; and I am told that people will then speak and act openly, which they now dare not do. General Haldimand took the opportunity of a vessel in the service, to send a detachment of sixty artillerists and eight pieces of ordnance from New York to Castle William, which I propose to encamp with the troops.

Extract of a LETTER from the Earl of Dartmouth to the Hon. Governor Gage, dated Whitehall, 3d June, 1774.

Since you left England, the parliament has made a very considerable progress in the American business, and I send you herewith, by the King's command, two Acts, to which his Majesty gave the royal assent a few days ago.

These Acts close the consideration of what relates to the state of your government, and it is hoped that they will have the good effect to give vigour and activity to civil authority; to prevent those unwarrantable assemblings of the people, for factious purposes, which have been the source of so much mischief; and to secure an impartial administration of justice in all cases where the authority of this kingdom may be in question.

The Act for the better regulation of the government of the province of Massachuset's Bay, provides, that from the first of August next, all elections of the council under the authority of the charter, shall be void, and that, for the future, the council shall be appointed by the King.

In consequence of that provision, his Majesty has, with the advice of his privy council, nominated 36 persons, qualified as the Act directs, to be the council of Massachuset's Bay, from and after the time limited for the continuance of the present council; and enclosed herewith I send you his Majesty's additional instruction, under the sign manual, authorizing and requiring you to assemble the said council, and containing such further directions as are thought necessary and incident to this new establishment, and as correspond with the provisions of the Act in relation thereto.

It would perhaps have been in some respects desirable, that it might have been left to the King's discretion, to have directed that, in case of the death or absence of both governor and lieutenant governor, the administration of government should have been devolved upon the senior counsellor, as in other governments, but as the Act reserves to the new council all the liberties, privileges, and immunities enjoyed by the other, except in the cases provided for, it is apprehended that such direction cannot be given, and for the

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same reason it has appeared at least doubtful, whether the crown could delegate to you the powers of suspension and appointment to vacancies *pro tempore*, exercised in the other royal governments. In this situation it became the more necessary that a lieutenant governor should be immediately appointed; and the King having, upon Mr. Hutchinson's recommendation, nominated Mr. Oliver of Cambridge to that office, inclosed I send you his Majesty's sign manual, containing his appointment.

There is little room to hope that every one of the persons whom his Majesty has appointed to be of his council, will be induced to accept that honour, for there can be no doubt that every art will be practised to intimidate and prejudice. I trust, however, that the number of those who decline will not be so considerable as to involve you in any difficulty on that account, or to create any embarrassment in the execution of a measure upon which so much depends.

Whatever vacancies may be created, by any of the present members refusing to act, ought to be filled up as soon as possible, and therefore you will transmit to me, by the first opportunity, the names of such persons as you think best qualified for that trust, and the most likely to give weight and authority to the measures of government, taking care, at the same time, not to propose any from whom you have not received assurances of their readiness to accept the office.

It is to be expected that every artifice which has been hitherto used with so much success, to keep alive a spirit of sedition and opposition in the people, will be exerted on the present occasion, to entangle and embarrass; but the King trusts that by temper and prudence on the one hand, and by firmness and resolution on the other, you will be able to surmount all the obstacles that can be thrown in your way.

It is impossible to foresee what those obstacles may be. If the general court should happen to be sitting, at the time when the new constitution of the council is to take place, every advantage will probably be taken that such a situation affords, to create difficulties and throw the business into perplexity; but however that may be, and whatever may be urged, there can be no doubt that a prorogation at least will become absolutely necessary, in order to put an end to any business that may be depending before the old council. Perhaps circumstances may require a dissolution, but it is much to be wished, that if possible such a measure may be avoided.

The letters received from Mr. Hutchinson since you sailed from Plymouth, contain an account of the public proceedings down to the 5th of April, at which time it does not appear that any intelligence had been received in the province of the steps that were taking here. It was therefore reasonable to suppose that the conduct and measures of the faction would be, as they actually were, of the same colour and complexion with those they had before pursued.

The impeachment of the chief justice seems to have been the favourite object of both council and assembly; but as Mr. Hutchinson had with equal firmness and discretion defeated that measure by prorogation, it is not necessary for me to say more upon so extravagant a proceeding, than that it was altogether an unwarrantable assumption of power, to which that government is not, I conceive, either in the nature or principles of it, in any degree competent.

To what further extravagance the people may be driven it is difficult to say; whatever violences are committed must be resisted with firmness: the constitutional authority of this kingdom over its colonies must be vindicated, and its laws obeyed throughout the whole empire.

It is not only its dignity and reputation, but its power, nay its very existence depends upon the present moment; for should those ideas of independence, which some dangerous and ill-designing persons here are artfully endeavouring to instill into the minds of the King's American subjects, once take root, that relation between this kingdom and its colonies, which is the bond of peace and power, will soon cease to exist, and destruction must follow disunion. It is not the mere claim of exemption from the authority of parliament in a particular case that has brought on the present crisis; it is actual disobedience and open resistance that have compelled coercive measures, and I have no longer any other confidence in the hopes I had entertained that the public peace and tranquillity would be restored, but that which I derive from your abilities, and the reliance I have on your prudence, for a wise and discreet exercise of the authorities given to you by the Acts which I now send you.

The powers contained in the Act for the more impartial administration of jus-

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tice do, in particular, deserve your attention, for it is hardly possible to conceive a situation of greater difficulty and delicacy than that which a governor would be in, if reduced to the necessity of exercising his discretion in the case provided for; but it is a case that I trust will never occur, and I will hope, that notwithstanding all the endeavours, equally flagitious and contemptible, used by a few desperate men to create in the people ideas of more general resistance, the thinking part of them will be awakened to such a sense of their true interests, and of the miseries that await a further continuance of these unhappy disputes, as to exert their best endeavours for a preservation of the public peace, and thereby give such effect and countenance to the civil authority, as to render any other interposition than that of the ordinary civil magistrate unnecessary.

There is another American Bill for making more effectual provision for quartering of his Majesty's troops, that has passed both Houses, and waits for the royal assent, which although of general purport, is founded principally on a case that occurred in the province of Massachuset's Bay.

You will remember what happened at Boston in 1770, respecting the quartering the two regiments sent thither from Halifax, and the artifices used by forced constructions of the act of parliament to elude the execution of it, and to embarrass the King's service. In order therefore to prevent the like in future, the present Bill is adopted, and inclosed I send you a printed copy of it, hoping to be able to send the Act itself by the first ship.

Extract of a LETTER from the Hon. Governor Gage, to the Earl of Dartmouth, dated Salem, 26th June, 1774.

My lord; the general court met here on the 7th instant, and, after the inclosed protest, proceeded to business, and sent me the inclosed address. During the short sessions, several private Bills, and a tax Bill were passed.

A committee of the house sat for some days, keeping their business very secret; but giving out, they were upon moderate and conciliating measures. They made their report, I am informed, on the 17th instant, when the door was ordered to be locked; but their proceedings getting abroad, I sent the secretary to dissolve them. They would not admit him, and he was obliged to do it by proclamation, on the outside of the door. I transmit your lordship the resolves they have published.

The council sent me the inclosed libel, on my predecessors in this government, in an address; on which account, I refused to receive it, sending them the reasons for my refusal, which I also send your lordship.

If the dissolution will be productive of good, or not, remains to be known; but the contrivers of all the mischief in the town of Boston, I am informed, are now spiriting up the people throughout the province to resistance, as well to the Port Bill, as to three other Acts daily expected, rough draughts of which were printed here about the 4th instant, and the speeches made upon them in the House of Commons, published in the newspapers. Sensible and well-affected people have told me, they have no doubt that their intention is to try to raise the province to arms; but I hope they suspect and fear too much: and, however prone their inclinations may be to so wicked a project, I trust they want power to effect it.

In Boston the greatest pains have been, and are taking, to oppose all measures tending to open the port, by flattering the people with assistance from the other provinces, promises of collections, and presents to enable them to subsist, and the happy effects of a general congress, which, they make no doubt, will force Great Britain into their own terms. On the other hand, several gentlemen who, through fear of the tyranny under which they have lived, dared not to act or speak, encouraged now, by the late resolutions of government, have ventured to step forth, and are endeavouring to persuade the people to comply with the act of parliament, as the only means to save their town from ruin. Till they are pinched, and find they are deceived in their hopes of support, by presents and collections, the affair will probably rest in this situation; but the Act must certainly, sooner or later, work its own way.

They will not agree to non-importation, either at New York or Philadelphia, or even in this province, though I believe a congress, of some sort, may be obtained; but when, or how it will be composed, is yet at a distance: and, after all, Boston may get little more than fair words.

I got the consent of council to my nomination of Mr. Justice Brown, of the in-

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ferior court of Essex county, to succeed the late judge Ropes, as judge in the superior court, and he is appointed and sworn in accordingly.

The 4th and 43d regiments encamped on Boston common the 14th and 15th instant; the latter came into the harbour the 1st instant, but their tents having, by mistake, been put into the transports of the 4th regiment, they were obliged to wait for them. Their arrival has given spirits to the friends of government, and we are looking out for the troops from Ireland: three companies, from thence, of the 5th regiment are arrived, and the remainder may be daily expected.

Extract of a LETTER from the hon. Governor Gage, to the Earl of Dartmouth, dated Salem, the 5th of July, 1774. [Received 2d August.]

My lord; since my letter, No. 3, of the 26th ult. a number of the better sort of people attended a town meeting at Boston, with design to make a push to pay for the tea, and annihilate the committee of correspondence, but they were out-voted by a great majority of the lower class. The minority drew up a protest, which I transmit your lordship from a news-paper.

The above committee had sent a circular letter through the province, accompanied with a paper called a League and Covenant, of so pernicious a tendency, that I judged it proper, without loss of time, to publish a proclamation to prevent the ill effects of it, as much as possible. I inclose your lordship a copy of the proclamation, together with printed copies of the letter and covenant; and also part of a news-paper, containing as much of the proceedings of the abovementioned town meeting, as the faction chose to publish, and a protest of a number of gentlemen of the county of Worcester, against all riotous disorders, and seditious practices.

Your lordship will perceive, that the proclamation is not published with advice of council. There was no time to lose; I had a right to issue it without their consent, as I was confident I could not obtain it. I gave notice afterwards for a council to assemble, intending to lay the letter and covenant before them; but, on the day appointed for the meeting, one who had been summoned, did not appear, so that there was not enough to make up a quorum: some of those who attended gave me to understand, that they should desire a general council to be called, before they entered upon such business.

I have done all in my power to spirit up every friend to government, and the measures taken by administration encourage many to speak and act publicly, in a manner they have not dared to do for a very long time past. Your lordship will observe, that there is now an open opposition to the faction, carried on with a warmth and spirit unknown before, which it is highly proper and necessary to cherish and support by every means; and I hope it will not be very long before it produces very salutary effects. Your lordship is acquainted with the usurpation and tyranny established here by edicts of town meetings, inforced by mobs, by assuming the sole use and power of the press, and influencing the pulpits; by nominating and intimidating of juries, and, in some instances, threatening the judges; and this usurpation has, by time, acquired a firmness, that, I fear, is not to be annihilated at once, or by ordinary methods. A free and impartial course of justice, whereby delinquents can be brought to punishment, I apprehend to be the chief thing wanting: the terror of mobs is over, and the press is becoming free.

Although I do not credit many reports and opinions sent me, yet I do not hold it prudent totally to disregard them; and, on that account, I have ordered the transports which brought the 4th regiment here, to proceed to the port of New York, and wait there for farther orders. I intend, if I see occasion for it, to bring a regiment here from thence; and the transports of the 43d are kept in readiness to sail for Halifax on the same errand; these motions I hear give spirits to one side, and have thrown a damp on the other. I have, &c. THO. GAGE.

Extract of a LETTER from the Hon. Governor Gage to the Earl of Dartmouth. Dated Boston, 20th July, 1774.

Affairs continue here much in the same situation as when I wrote to your lordship on the 6th inst. though I don't find the merchants have repeated their attempt to comply with the Port Bill, with the spirit I hoped for. Materials wanted to carry on trades, I am told, begin to fail; and the carrying molasses and rum twenty-eight miles by land, is found not to answer as well as it was expected it would: but the people are kept up by the assurances of assistance from the other colonies, where their leaders have contrived to raise a

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flame, which has not been a little encreased by letters, speeches, and paragraphs sent from England.

South Carolina has sent some rice for the support of the people here; I don't mean the province, but some disaffected persons in Charlestown: and a few sheep, it is said, have been sent from some other place; but resources of this kind are too precarious to be depended upon, and must fail them. The great object here has been to persuade the other colonies, to make the cause of Boston the common cause of America; and when the deputies for holding the general congress assemble, the Boston faction, it is probable, will pay the rest the compliment of taking their advice; and I understand it to be the opinion of most of the other colonies, that Boston should begin by indemnifying the India Company. The virulent party at New York is routed, and, we are told, that Philadelphia is moderate.

I have not yet received the new Act for the better government of this province, though it is printed here; and many tell me, I must expect all the opposition to the execution of it that can be made. I hope the new counsellors and the magistrates will be firm.

The fast day appointed by the faction, was kept in this town on the 14th instant, as generally, and as punctually, as if it had been appointed by authority. I might say the same of most other places, though it was not universal, for in a few places no regard was paid to it; but the league and covenant has not succeeded as the faction expected.

They rely here to obtain all their ends on the same measures as they before adopted, viz. an union of the colonies, a non-importation, if their demands are not satisfied, the assistance of their friends in England, and a general clamour of the merchants and manufacturers.

Extract of a LETTER from the Hon. Governor Gage to the Earl of Dartmouth, dated Salem, 27th July, 1774.

I left Boston the 21st instant, to meet the council at Salem, for the issuing of money to pay debts incurred; and yesterday morning received a printed notification of a town meeting to be held that day at Boston, of which I send your lordship a copy. In my letter, No. 6, I express an expectation of opposition to the Act expected for the better government of the province; and the notification for the town meeting seems to be a prelude to it. Whatever the opposition is, I will do my best to defeat it, and take every step I can to enforce the law.

LETTER from the Hon. Governor Gage, to the Earl of Dartmouth, dated Salem, 27th August, 1774. [Received 1st October.]

My lord; I had the honour to receive your lordship's separate letter, dated 3rd of June, on the 6th instant, in which came inclosed two acts of parliament for regulating the government of the Massachuset's Bay, and for the more impartial administration of justice in the said province, together with an additional instruction to the governor, Mr. Oliver's appointment of lieutenant governor, and a printed copy of an amendment to the Mutiny Bill for America, relating to the clause for quartering the King's troops.

No time was lost in forming the new council. I assembled all the members who could be collected, on so short a notice, on the 8th instant, and appointed the whole to meet on the 16th. The list inclosed will inform your lordship of the names of the gentlemen sworn in, of those who have refused to accept the nomination, or are wavering, absent, or dead.

The 24 who have accepted the honour the King has conferred upon them, are as respectable persons as any in the province, and the lieutenant governor is generally approved of by all parties. I must defer sending your lordship recommendations to the vacancies, to another opportunity; for though I have several in my mind, I am first to be assured of their willingness to act; and the number of counsellors being considerable, gives time to look out for others. Your lordship judged right, that art would be practised on this occasion, to intimidate and prejudice; even force was attempted on Mr. Ruggles, by a number of people collected on the road near Worcester, with intent to stop him, but he made his way through them.

My former letters have acquainted your lordship, that the Acts in question had been published here, and people have had leisure to consider means to elude them; in doing which, they are very expert. At a town meeting, held at Boston in July, in order to avoid the calling a meeting afterwards, they adjourned themselves to the 9th of August, and adjourned again on that day, to some time in October. I assembled the select men in Boston, had

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the clause read respecting town meetings; told them, I expected their obedience to it, that I should put the Act in force, and that they would be answerable for any bad consequences. They replied, they had called no meeting, that a former meeting had only adjourned themselves.

I laid the affair of adjournments before the new council, and found some of opinion, that the clause was thereby clearly evaded, and nearly the whole unwilling to debate upon it; terming it, a point of law, which ought to be referred to the crown lawyers, whose opinion is to be taken upon it, and by which I must govern myself.

Another clause of the Act is likewise referred to the lawyers, concerning the removal of sheriffs. Upon intimating to the council my desire to remove a sheriff, some immediately objected, that it did not belong to the council, for that the governor was alone impowered to remove any of the sheriffs now in office, and that the Act only required consent of council to remove such sheriffs as the governor should first appoint, by his own authority, and want to remove afterwards. It was the unanimous opinion of the council, that an assembly should be called, as early as possible, and writs will be issued for their meeting by the latter end of October.

The state of the province was, at the same time, taken into consideration, and a letter read that I had received from Hampshire county, an extract of which I transmit to your lordship; and several members gave an account of the state of their respective counties, from whence it appeared, that the phrenzy had spread in a greater or less degree through all; of which I shall write more fully before closing my letter.

Since the unwarrantable impeachment of the chief justice, I understand he has never taken his seat upon the bench, but he has promised me to attend the superior court at Boston, towards the end of the month; and I hope he will preside also in said court, to be held at Worcester in September, notwithstanding the threats thrown out against him. I have engaged to meet him at Boston, to prevent violence; which, from the present system, I do not expect to meet with there; and I believe that I must attend him also at Worcester, where I am to expect it.

By the plan lately adopted, forcible opposition and violence is to be transferred from the town of Boston to the country.

The copy inclosed of a letter from the Boston committee of correspondence to the several counties, will sufficiently evince the intention of those leaders, who, by said letter, emissaries, and other means, have contrived, while Boston affects quiet and tranquillity, to raise a flame, not only throughout this province, but also in the colony of Connecticut. The original letter is signed by the town clerk, though, from a caution lately observed, they omit his name in the newspaper, from whence the inclosed is taken.

In consequence of the new plan, popular rage has appeared at the extremity of the province, abetted by Connecticut, which the extract of the letter from Hampshire, read in council, shews; it is very high also in Berkshire county, and makes way rapidly to the rest. In Worcester they keep no terms, openly threaten resistance by arms, have been purchasing arms, preparing them, casting balls, and providing powder; and threaten to attack any troops who dare to oppose them. Mr. Ruggles of the new council, is afraid to take his seat as judge of the inferior court, which sits at Worcester, on the 7th of next month, and I apprehend that I shall soon be obliged to march a body of troops into that township, and perhaps into others, as occasion happens, to preserve the peace.

The delegates, as they are called, from this province, are gone to Philadelphia, to meet the rest, who are to form the general congress, and it is thought it will be determined there, whether the town of Boston is to comply with the terms of the Port Bill. It is not possible to guess what a body, composed of such heterogeneous matter, will determine: but the members from hence, I am assured, will promote the most haughty and insolent resolves: for their plan has ever been, by threats and high sounding sedition, to terrify and intimidate.

Some believe, that the congress has been consented to in other provinces, only to amuse those among themselves who have been so strangely violent in support of Boston, and to which their own provincial factions have not a little contributed; others fear a non-importation; and I hear the merchants are sending for double the quantity of goods they usually import; and in order to get credit for them, are sending home all the money they can collect; insomuch, that bills have risen at New York, above 5 per cent. From this circumstance your lord-

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ship may judge of others; they want to force you into their terms, by threatening ruin to your merchants and manufacturers, and at the same time are procuring all the merchandize they can get from them, lest they should be in want of it themselves.

The council being formed, the assembly must act with it, or annihilate the legislature, and there is a surmise that will be the case: and since the Boston committee have applied to the country, they have, in some counties, I understand, held county meetings, and intend it in all: it has not transpired what has been done; but report says, they mean to have no courts of justice, unless the judges agree not to obey the new Acts; and that the inferior court has been stopped in Berkshire county, and the judges mal-treated. I have it only from report, but fear there is some foundation for it.

I transmit your lordship a notification posted up in Salem for the choice of deputies for a county meeting, in which your lordship will observe another evasion about town meetings, for this is called by the committee of correspondence, and not by the select men. Being on the spot, I issued a proclamation in the morning of the intended meeting, to prevent it, and the sheriff, with other magistrates, attending me, I told the committee to tell the people assembled, and assembling, to disperse, else I should proceed, and send the sheriff to disperse them; and they, the committee, should answer for any bad consequences. The people behaved with great decency, and retired immediately, though I doubt not, as the deputies ever previously agreed to, that they did their business as effectually as if they had gone into their chamber of meeting. Nothing but a general phrenzy can make the province suffer the inconveniences that must arise from the want of a legislature and courts of justice, therefore, hope it is only a fit of rage, that will cool; besides the courts can and will be protected in many places.

It is agreed that popular fury was never greater in this province, than at present, and it has taken its rise from the old source at Boston, though it has appeared first at a distance. Those demagogues trust their safety in the long forbearance of government, and an assurance that they cannot be punished. They chicane, elude, openly violate, or passively resist the laws, as opportunity serves; and opposition to authority is of so long standing, that it is become habitual.

In this situation I find things, and must do the best I can to put them into a better state. Connecticut, I understand, is alarmed at the alteration in this charter, which occasions the commotions in that province, and if the leaders change their plan of opposition, which has hitherto been to menace and intimidate, teize and tire out and create ideas of greater resistance in the people, and drive them to further extravagancies, I conceive we should have to oppose this province and Connecticut. I do not apprehend any assistance would be given by the other colonies. Since my last to your lordship, the 50th regiment landed from Halifax, and is encamped near Salem, and general Haldimand has sent the Welsh fusileers from New York, and replaced them by the 47th regiment, from New Jersey. I believe your lordship, considering the state of affairs here, will not think it advisable for me to part with any of the regiments, and I mean to advise with the admiral about sending back the transports. I have, &c.

THOMAS GAGE.

Extract of a LETTER from the Hon. Governor Gage to the Earl of Dartmouth, dated Boston, September 2d, 1774. [Received 1st October.]

Your lordship's dispatch, No. 6, is duly received; your lordship will know that the state, not of this province only, but of the rest, is greatly changed since Mr. Hutchinson left America. Though I saw things were bad when I wrote from Salem, I found them much worse than I expected when I arrived here. Several of the new counsellors, who dwell at a distance, had fled from their houses, and been obliged to seek protection among the troops at Boston; in that number were Messieurs Ruggles, Edson, Leonard and Murray, and Messieurs Loring and Pepperell are lately come into town. The object of the people was to force them to give up their seats in council, which has taken effect with Mr. Paine, who was seized and roughly treated. There are bad reports of Mr. Watson, though I have no news from him, but Mr. Willard was grievously mal-treated, first in Connecticut, where he went on business; and every township he passed through in his way home, in this province, had previous notice of his approach and ready to insult him; arms were put to his breast, with threats of instant death, unless he

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signed a paper, the contents of which he did not know or regard. He went home, after making me that report; but the news is, that a large body was marching to his house in Lancaster, to force him to some other concessions. Upon the first rumour of disturbance, Mr. Andrew Oliver resigned his seat in council, as have also since Mr. Isaac Winslow, Thomas Hutchinson Lee, of Cambridge, Danforth, and this moment Mr. Watson.

With regard to the clause in the new Acts, relative to town meetings, so many elusions are discovered, under various pretensions of adjournments, electing to vacant offices, people assembling peaceably without notification, upon their own affairs, and withal no penalty, that no persons I have advised with can tell what to do with it; at a distance they go on as usual, but worse transactions make that matter of little consequence in the present moment.

I came here to attend the superior court, and in the intention to send a body of troops to Worcester to protect the court there, and if wanted, to send parties to the houses of some of the counsellors who dwell in that county; but finding from undoubted authority, that the flames of sedition had spread universally throughout the country beyond conception, the counsellors already drove away, and that no courts could proceed on business, I waited the event of the sitting of the superior court here on the 30th ultimo; the judges met, but could get neither grand nor petit jury.

I ordered a council to assemble; but upon the representation that they should be watched, stopped and insulted on the road to Salem, and desiring to be assembled here, I hope his Majesty will approve of my consenting to their request. The council was of opinion, that it was very improper to weaken the troops here, by any detachments whatever, as they could not be of any use to the courts, as no jurors would appear, and, by that means defeat their proceedings; and that disturbance being so general, and not confined to any particular spot, there was no knowing where to send them to be of use, and would terminate only in dividing them in small detachments, and tempt numbers to fall upon them, which was reported to be the scheme of the directors of these operations. It was considered, that the whole was at stake. Connecticut, and (they add) Rhode Island as furious as they are in this province; and that the first, and only step now to take, was to secure the friends of government in Boston, and reinforce the troops here with as many more as could possibly be collected, and to act as opportunities and exigencies shall offer.

I have for some time consulted with general Haldimand the securing the magazines at New York, part of which is in Castle William, though by all accounts every thing there is quiet, the people in general, moderate and well affected to all measures but taxations; and, as I don't see that the regiment there, or the part of the 18th at Philadelphia, can in any case be of any use where they are, I propose to order major general Haldimand, with those corps, to this place. I have thoughts also, of sending transports to Quebec for the 10th and 52d regiments, who were to have been relieved this year, if the internal circumstances of that province admit it. I think there can be no danger from without, as the river will be impracticable soon after they come down it, and we may be ready, in the spring, to reinforce the garrison. I am unwilling to weaken Quebec, and nothing but extremity of affairs could make me think of it.

This state of affairs, I give your lordship, is from numberless accounts from gentlemen thoroughly acquainted with the country, and who know the pitch of enthusiasm to which the people are now raised; gentlemen who are sensible, remarkably firm, and not to be intimidated; amongst others, Messrs. Ruggles, Murray, Leonard, and Edson, who have abandoned their dwellings to the mercy of the people, as have lately Messrs. Laring and Pepperell.

Civil government is near its end; the courts of justice expiring one after another; and where there is no other reason for not suffering them, it is that the judges of the inferior courts, as well as the justices, are under the governor's influence by the new Acts, though the said Acts don't take place, as to juries, till next month; but he may now turn them, the judges, and justices, out at pleasure, though he has as yet made no change in them.

Precepts are issued for the calling an assembly in the beginning of next month, though uncertain whether the people will chuse representatives: but we may be assured, if chosen, that they will not act with the new council; and it is supposed, the project has been to annihilate the said council, before meeting, to throw the re-

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fusal upon the governor to act with the old council elected last sessions; so that we shall shortly be without law or legislative powers.

The judges of the superior court have been with me in a body, to represent the impossibility of carrying on the business of their court, in any part of the province; that the force here was by far too small to protect them every where, and, after all, no jurors would swear in, that it was needless laying fines, which they could not do on grand juries, there being no law for it in the province, and withal it would be in vain, the refusals being universal.

I mean, my lord, to secure all I can by degrees, to avoid any bloody crisis as long as possible, unless forced into it by themselves, which may happen. His Majesty will in the mean time judge what is best to be done; but your lordship will permit me to mention that as it is judged here, that it will be resolved to stem the torrent, and not yield to it, that a very respectable force should take the field. The regiments are now composed of small numbers, and irregulars will be very necessary in this country, many of which, of one sort or other, I conceive may be raised here. Nothing that is said at present can palliate; conciliating, moderation, reasoning, is over; nothing can be done but by forcible means. A vast concourse of people assembled this day from various parts, about eight miles from this; they have frightened and pursued many obnoxious people, as they term them; nobody has asked assistance, and I have just received a letter from Mr. Oliver, the lieutenant governor, to beg I would, on no account, send any troops there, for that it would prove fatal to him. Mr. Simpson, another counsellor, has just resigned.

Extract of a LETTER from the Hon. Governor Gage, to the Earl of Dartmouth, dated Boston, September 3d, 1774. [Received 1st October.]

In my letter of yesterday, I just made mention of a letter in the moment received from lieutenant governor Oliver. That gentleman came to me yesterday about noon, and acquainted me that a number of people had passed his house in Cambridge, going into that town, which is about eight miles from this, but that he had talked to them, and they listened to his advice, to be quiet, and return peaceably home, which they promised to do without making any disturbance. It was supposed they assembled, in order to force Messrs. Danforth and Lee, to resign their seats in council, which they had done the day before, and on account of some ammunition belonging to the province, in the arsenal in Cambridge, which I had before sent a detachment to secure, and lodged it in Castle William. It was therefore concluded that all objects being removed, for that they were satisfied of his being in the council, as he was at the same time lieutenant governor, the people would immediately go away; and he therefore begged I would not think of ordering any troops there, as there would be no occasion for it, and it could only be productive of mischief. Some hours afterwards, three of the commissioners of the customs passed through Cambridge, saw great numbers of people assembled, but no noise, and no great insult offered them, but one of them, viz. Mr. Holwell, against whom some of the chiefs of this place are piqued, sent people after him, and he was pursued almost to this town; persons were sent out, and returned with the report, that all was quiet near the town, and no numbers seen. I expected to hear from the sheriff, Mr. Phipps, if any thing extraordinary happened at Cambridge, but received no further advice till near six in the evening, when the letter which I have mentioned, and inclose, was brought me from the lieutenant governor, about which time the insurgents had finished their business, and went off, after forcing him to resign his seat in council. I have found since, that when Mr. Oliver came first to me, it was in consequence of the people's desire, and of their assurances that no disturbance or violence would happen; and he was so confident in their promises, and of his own influence over them, as to go back to Cambridge, and in his way met the sheriff, whom he persuaded to go with him. They thus both fell into the snare; for they obliged the sheriff to sign a paper, as well as Mr. Oliver.

Extract of a LETTER from the Hon. Governor Gage, to the Earl of Dartmouth, dated Boston, 20th September, 1774.

Since my letters by the Scarborough ship of war, I have received some letters and papers, which I transmit your lordship, relative to the proceedings in the distant counties, against the courts of justice and resolves of a county meeting. It is needless to trouble your lordship, with daily

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publications of determined resolutions, not to obey the late acts of parliament, or to allow any civil officer acting under them, from the governor to the justice, to be constitutional officers. They talk of fixing a plan of government of their own; and it is somewhat surprizing, that so many in the other provinces interest themselves so much in the behalf of this. I find they have some warm friends in New York and Philadelphia; and I learn by an officer who left Carolina, the latter end of August, that the people of Charles Town are as mad as they are here.

The country people are exercising in arms, in this province, Connecticut and Rhode Island, and getting magazines of arms and ammunition in the country, and such artillery as they can procure, good and bad. They threaten to attack the troops in Boston, and are very angry at a work throwing up at the entrance of the town; on which account, I have had two messages from the select men, and a third from the county of Suffolk.

People are daily resorting to this town for protection; for there is no security for any person deemed a friend to government, in any part of the country. Even places always esteemed well affected have caught the infection. The commissioners of the customs, have thought it no longer safe or prudent to remain at Salem, considering the present distracted state of every part of the province, and are amongst others come into the town, where I am obliged likewise now to reside, on many accounts. Mr. Willard has been obliged to resign his seat in council since my last. The rest remain firm, notwithstanding daily threats of plunder, devastation and ruin, and even of assassination.

Copy of a LETTER from the Hon. Governor Gage, to the Earl of Dartmouth, dated Boston, 25th September, 1774.

My lord; the inclosed extract of a letter from general Haldimand, with a printed bill posted up at New York, serve to shew a bad disposition of too many in that place; but I hope the general will find means to secure the stores, and that the transports will get up to the town to receive them. It was found impossible to put the troops under cover here without erecting some temporary lodgments; and on the supposition that workmen could not be procured here, it was thought expedient to send to New York; but the printed bill deterred the carpenters of that place from coming here, whilst, contrary to what was imagined, the Boston artificers have undertaken our work.

The messages or addresses delivered me by the select men of Boston, and the delegates of the county of Suffolk, concerning a work at the entrance of the town, where I propose to lodge a regiment, was mentioned to your lordship in a former letter, and I now transmit printed copies of them. Your lordship will observe, that the delegates complain of misinformation, and deny a wish of independency.

Many members are chosen for the general court, that was appointed to meet at Salem, on the 5th of next month, and I have information that the old council has been summoned to attend there. The new council appointed by the King, who have taken refuge in this town, dare not attend at Salem, unless escorted there and back again by a large force, which as affairs are circumstanced will answer no end. The assembly will not act with them, and I cannot act with the old council, so that nothing but confusion can arise from a meeting of the general court, on which account I mean to fall on measures to postpone the sessions.

We hear of nothing but extravagancies in some part or other, and of military preparations from this place to the province of New York, in which the whole seems to be united. Upon a rumour propagated with uncommon dispatch through the country, that the soldiers had killed six people, and that the ships and troops were firing upon Boston; the whole country was in arms and in motion, and numerous bodies of the Connecticut people had made some marches before the report was contradicted.

Your lordship will know from various accounts, the extremities to which affairs are brought, and how this province is supported and abetted by others beyond the conception of most people, and foreseen by none. The disease was believed to have been confined to the town of Boston, from whence it might have been eradicated, no doubt, without a great deal of trouble, and it might have been the case some time ago; but now it is so universal, there is no knowing where to apply a remedy. I am, &c. THO. GAGE.

Extract of a LETTER from the Hon. Governor Gage to the Earl of Dartmouth, dated Boston, 3rd October, 1774.

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My lord; your lordship's letter of the 3d of August, No. 8, was received on the 27th ult. and its duplicate by packet next day. The change that has happened in the affairs of this country, your lordship will have been made acquainted with, since the date of the above dispatch from various parts, and known with what violence the other colonies have espoused the cause of the Massachuset's Bay, though some more moderate than others. The congress is still sitting, and from some previous resolves they have published, particularly one transmitted your lordship, approving the resolves of Suffolk county, and another recommending non-importation, we do not expect much good from their deliberations.

I mentioned to your lordship my intention to postpone meeting the assembly, and you will see the proclamation to that end in the inclosed papers, together with the resolves of Worcester, and some publications against supplying the King's troops with necessaries; so that I was premature in telling your lordship, that the Boston artificers would work for us. This refusal of all assistance has thrown us into difficulties, but I hope to get through them, and to be able to put the troops under cover, though not so comfortably as I could wish. I do not find that the spirit abates any where, for it is kept up with great industry. They are shortly to have a provincial congress in this colony, composed chiefly of the representatives, lately chosen to meet at Concord, where it is supposed measures will be taken for the government of the province.

Extract of a LETTER from the Hon. Governor Gage to the Earl of Dartmouth, dated Boston, 17th October, 1774.

My lord; I transmit your lordship a number of inclosures, amongst which you will see the resolves passed by the representatives who met at Salem, notwithstanding my proclamation to postpone the sessions, and adjourned themselves, as was foreseen, to meet delegates from the counties and towns, to Concord, there to form themselves into a provincial congress, from whence they have agreed to remove to Cambridge. Your lordship has a remonstrance which they have sent to me, and my answer to it, which I had some difficulty in contriving, as I cannot consider them as a legal assembly, and a handle would have been made of it had I refused; and it was moreover necessary to warn them of their conduct, and require them to desist from such unconstitutional proceedings. There are also copies of two remonstrances from the county of Worcester, the first of which was so offensive to the King, and not addressed to me as governor, that I refused to receive it; the last was answered, and the answer transmitted.

The above relate to works I have been making at the entrance of the town, at which they pretend to be greatly alarmed, lest the inhabitants of the town should be enslaved and made hostages of, to force the country to comply with the late Acts; a scheme which they know is not feasible; but I believe the works have hitherto obstructed some pernicious projects they have had in view, which has determined me to refuse all applications for their demolition. And whilst their affected apprehensions for the town of Boston are held forth, moderation and forbearance has been put to the test, by burning the straw and sinking boats with bricks, coming for the use of the troops, and overturning our wood carts. It appears to me, to be a part of their system to pick a quarrel with the troops, for which reason I was the more cautious to give no pretence for it, that all misfortunes which might happen should be of their own seeking.

There are various reports spread abroad of the motions made at the provincial congress whilst at Concord: some it is said moved to attack the troops in Boston immediately, others to value the estates in the town, in order to pay the proprietors the loss they might sustain, and to set the town on fire, and others proposed to invite the inhabitants into the county, which has been talked of for some time.

By a letter from general Carleton of the 20th of September, he determined to send here the 10th and 52d regiments, and I conclude them on their way from Quebec, as also general Haldimand with the 47th regiment from New York, where transports have been laying for some weeks to take on board the stores, and I apprehend they are mostly secured. I am to acquaint your lordship, likewise, that commodore Shuldham receiving intelligence at Newfoundland of the extraordinary commotions in this country, sent the Rose man of war immediately here, with two companies of the 65th regiment, stationed at St. John's, desiring only that they might be replaced in the spring. I am, &c.

THO. GAGE.

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P. S. I had once hopes to have sent your lordship accounts of some conciliatory measures which I have urged strongly, and recommended the paying for the tea for a beginning of a reconciliation; but I despair of any overtures of the kind, unless it comes recommended from the continental congress, by whose resolves this people declare their intentions to abide, and use every artifice to engage the rest of the continent in their own disputes with the mother country. T. G.

Extract of LETTERS from the Hon. Governor Gage to the Earl of Dartmouth, dated Boston, October 30, and November 2, 1774.

I transmit your lordship a number of resolves of the provincial congress, with some passed by the continental congress at Philadelphia, relative to the proceedings of this province, which they have in too great a degree supported, though in some instances deceived by them. Expresses are frequently going from the one to the other, and they are very secret in both; and from what has transpired, there is opposition in both. Our provincial congress has appeared to be a good deal puzzled to determine to what lengths they should go, and have had something of moment in agitation, which, by what has dropped from some of the members, relates to the embodying about 15,000 men, and appointing four persons to command them, under the direction of a committee. Others deny it—so that time must clear up the truth of this rumour, which must be known soon. Common talk gives out, that this body is to be ready at a moment's warning, and to be supported by this and the neighbouring provinces.

The people would cool was not means taken to keep up their enthusiasm. Truths or falsehoods equally serve the purpose, for they are so besotted to one side, that they will not believe, or even hear what is said to convince them of their errors. This congress made an effort to get all the inhabitants of this town to leave it and retire to the country, but it was found to be an impracticable measure. Many individuals are gone, and others going through fear, as they give out, of being apprehended: so your lordship will perceive some of the most obnoxious are in the number of those who move.

From the union of the provinces, and the similarity of their measures, I have not been without apprehensions that our supplies of provision might be stopped, and gave early notice to the contractors here to lay in large quantities in time. They assure me, that from the quantity they have collected, and the measures they have taken to procure more, that there is no danger of being in want; but if any thing more extraordinary happens, we shall not be able to procure provisions from any of the colonies.

Major general Haldimand has joined me with the 47th regiment, and three companies of the 18th, from New York, and has put a large quantity of the most useful stores at that place, and which it became proper to secure, on board the transports; a good deal, but what would be of least service, still remains under the care of five companies of the 18th regiment.

November 2, 1774. The King's schooner, the St. Lawrence, which conveys this dispatch, being detained, I transmit your lordship the last resolves which this provincial congress has published, after which they adjourned to the 23d instant, and I learn that their secret determination is to assemble the old council at their next meeting, in order to form as complete a government as they can, and to have, as they say, a vast army in the field in the spring at the continental expence. I also transmit your lordship a copy of another message to me, in answer to mine to their first message, which has been sent to your lordship.

They have a particular manner in perverting and turning every thing to their purposes. A regiment was encamped about a mile from Salem, two companies of which marched out as far, perhaps, as some straggling houses, but was ordered back, and never came within a quarter of a mile of the place where the people were assembled, nor was there any occasion for them. No private property has been touched, unless they mean an order to the store-keeper not to deliver out any powder from the magazine where the merchants deposit it, which I judged a very necessary and prudent measure in the present circumstances, as well as removing the ammunition from the provincial arsenal at Cambridge. They make the greatest handle of the works at the entrance of the town, which I have very great reason to believe have obstructed some designs they had in view, and which I cannot doubt they have had it in deliberation to attack, but carried against the movers of the project.

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The officers of the militia have, in most places, been forced to resign their commissions, and the men chose their officers, who are frequently made and unmade; and I shall not be surprised, as the provincial congress seems to proceed higher and higher in their determinations, if persons should be authorised by them to grant commissions, and assume every power of a *legal* government, for their edicts are implicitly obeyed throughout the country.

The 10th and 52d regiments are arrived, and arriving in the harbour. On their landing I shall be able, from the whole, to form a force of near 3,000 men, exclusive of a regiment for the defence of Castle William.

Your lordship will doubtless receive many accounts of the situation of this continent. This province is without courts of justice or legislature—the whole country in a ferment—many parts of it, I may say, actually in arms, and ready to unite. Letters from other provinces tell us, they are violent every where, and that no decency is observed in any place but New York. Great Britain had never more occasion for wisdom, firmness and unanimity.

Extract of a LETTER from the Hon. Governor Gage to the Earl of Dartmouth, dated Boston, November 15th, 1774.

The proceedings of the continental congress astonish and terrify all considerate men; but though I am confident that many of their resolves neither can or will be observed, I fear they will be generally received, as there does not appear to be resolution and strength enough among the most sensible and moderate people in any of the provinces, openly to reject them.

This provincial congress has been encouraged by the general union and readiness shewn by the rest of the New England provinces to appear in arms at their call to go the lengths they have. I transmit your lordship a proclamation which I have published against the proceedings of their last meeting, and I hope it will have some effect, for I learn that people are cooler than they were, and grow apprehensive of consequences. The congresses have gone greater lengths than was expected.

Notwithstanding the impediments thrown in our way, we shall put the troops under cover to-morrow, except the two regiments from Quebec, who must remain in their transports five or six days longer. —A considerable quantity of flour was stopped for a time in Maryland, upon information that it was for the use of the troops at Boston, but it is arrived, and we have by various means got provisions sufficient to last the troops here about six months; and I hope, if it is found necessary, that we shall be able to procure further supplies.

Extract of a LETTER from the Hon. Governor Gage to the Earl of Dartmouth, dated Boston, December 15th, 1774.

The Scarborough arrived with your lordship's dispatch of the 17th of October, No. 11, on the 3rd instant, and admiral Graves has consented to land all the supernumerary marines, which, by report, may amount to above 400 men, as soon as all arrive and quarters are prepared, that major Pitcairne, who commands those marines, may have a better opportunity to form and discipline them, than if they remained on board their ships, where they are crowded.

Your lordship's idea of disarming certain provinces, would doubtless be consistent with prudence and safety, but it neither is, or has been practicable without having recourse to force, and being master of the country.

Nothing has been untried that could tend to hurt and terrify the mandamus counsellors to resign, who have withstood all threats against their persons and properties; but they are still obliged to take shelter with the troops; and I have judged what your lordship remarks, that in such a state, the taking any step by their advice would add no weight to the authority of government, but rather be an argument for disobedience; for that reason, I have avoided the assembling of them in council as much as possible. I am to acknowledge the receipt of the royal mandamus for the admission of the gentlemen therein nominated into the council; all the former counsellors stand firm, and deserve the greatest encouragement.

I will not pretend to foresee to what degree they mean to extend the claims of this country; the congress has sent their conditions, on which they will condescend at present to keep up any commercial connection with the mother country; but I judged from the movements of the people here, that they had designs to carry matters further without delaying them,

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and to pursue measures which other provinces would not adopt. I have taken notice in former letters of expresses going frequently from this provincial congress to Philadelphia, of the committee's forbidding people to work for the troops or to supply them with materials and necessaries for their quarters, committing insults, and destroying bricks and straw coming from the country. All these proceedings appeared to be carried on systematically, and to have some concealed design, which could be no other than to oblige the troops to force their quarters upon the inhabitants, or shew their resentment in some shape, that might afford a pretence to cry out against military oppression, to alarm the continent, and obtain assistance from the congress; and as there was a suspicion of their project, precautions were taken to defeat it.

I have no doubt that the aim of the hot leaders here has been to have a body of troops in pay, and under their direction, and to persuade the other colonies to contribute towards the expence: but not succeeding in that attempt, that they have next tried, in this provincial congress, to usurp the government entirely, as the surest means to procure both money and troops by their own authority. This is pretty apparent from some of their resolves, as well as from what has fallen from some of the members of the congress, but they have not yet been able to bring the majority into their schemes, and I don't find that their new treasurer has had any money paid into his hands. I transmit your lordship the publications of this congress since my last, and you will see that it is now dissolved, and that another is to be chosen in February, when the chiefs will probably try to get members more inclined to serve their ends. Their violence terrified many of their party who have given assistance to preserve peace and quiet, by which people have had time to cool and hearken more to reason, but I do not infer that they are more inclined to receive the new laws, or that a little matter would not raise them again. But people who have been mal-treated for their attachments to government, have recovered themselves during the calm, and in several places have associated for their mutual defence. I have been given to hope great good effects from these associations, which I have taken pains to promote, though I confess that I expect the associators will be composed only of former protesters and addressers, who have stood forth for a time, but overwhelmed by superior numbers, have been forced to recant.

Moderation has been proscribed from this country, and their correspondents appear to have advised them against conciliatory measures, but to fly to extremities. I enclose your lordship a printed extract of a letter, the contents of which was spread abroad before the publication, and is said publicly to have been written by a gentleman remarkable for his correspondence with this country. More of the same tenor have been written, particularly one in September, it is said, by the same person, to the late speaker, wherein, I am told, he extols their wisdom in procuring a general congress, and disappointing the views of administration to divide the colonies, and recommends union and the most vigorous proceedings, as the surest means to overcome the mother country. From the difficulty to procure materials, which few would venture to supply, although the barrack master general exerted himself remarkably, there was no possibility to get all the troops in quarters so soon as we wished, and the regiments from Quebec were obliged to stay in the transports till about ten days ago, when the whole was under cover.

Extract of a LETTER from Captain Wallace to Vice Admiral Greaves, dated on board his Majesty's ship, Rose, at Newport, Rhode Island, 12th Dec. 1774.

Yesterday I arrived in this port, with his Majesty's ship under my command, from New London and a cruize, of which I had the honour to acquaint you the 8th instant. Since my absence from this place, I find the inhabitants (they say here of Providence) have seized upon the King's cannon, that was upon Fort Island, consisting of six 24 pounders, eighteen 18 pounders, fourteen 6 pounders, and six 4 pounders, (the latter they say formerly belonged to a province sloop they had here) and conveyed them to Providence. A procedure so extraordinary, caused me to wait upon the governor, to enquire of him, for your information, why such a step had been taken; he very frankly told me they had done it to prevent their falling into the hands of the King, or any of his servants; and that they meant to make use of them to defend themselves against any power that shall offer to molest them.

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I then mentioned, if, in the course of carrying on the King's service here, I should ask assistance, whether I might expect any from him, or any others in the government? He answered as to himself he had no power, and in respect to any other part of the government, I should meet with nothing but opposition and difficulty. So much from governor Wanton. Then I endeavoured to get the best information of what they were at from other quarters, and inclosed I send it to you, among some of their votes you will find they intend to procure powder and ball, and military stores of all kinds, whenever they can get them.

Extract of a LETTER from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, 8th of June, 1774.

In my letter, No. 59, I had the honour to write your lordship, that the general assembly of this province stood prorogued to the 10th of May, at which time they met and proceeded upon business, I took great pains to prevail on them not to enter into any extra provincial measures, yet one of the members for Portsmouth read in his place the inclosed letter, No. 1, to the committee of correspondence of Portsmouth, but the house then declined considering it. On Friday, 27th of May, it was moved to appoint committees of correspondence, and, after a warm debate, carried by a majority of two only: the next morning it was reconsidered, and carried by a majority of one only, and passed. Immediately after this, the supply bill was passed and sent up to the council, being withheld, as I imagine, for time to effect the other measure. I directly adjourned the assembly, and kept them under short adjournments till this day, in hopes to obtain a suspension of these votes; but finding there were two letters in town for the Speaker, which, some of those who were most active, said, were to appoint a congress of the colonies, I considered it to be improper to admit their proceedings, and therefore immediately put an end to the committees, (who have not as yet wrote or acted) and to the assembly, by a dissolution in a message cautiously expressed, in such general terms, as to prevent any misrepresentations. This mode of dissolution after such short adjournments, which are attended by few members, precluded any meeting of those persons to contrive undesirable measures, or pursue those in their private capacity, that were attempted as an assembly, which has extremely disconcerted, and I hope will counteract the efforts of those that strive to lead this province into combinations with the Massachuset's Bay. Before the dissolution, all the usual and necessary business of the province was completed. That no detriment can arise from my delaying to call an assembly, in expectation that a few weeks will convince those who may be members, of the imprudence and error of measures, that tend to weaken or subvert the subordination of the colonies.

Extract of a LETTER from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, 4th July, 1774.

On the 25th of June, at night, arrived here the Grosvenor mast ship, from London, with 27 chests of Bohea tea, consigned to a merchant in Portsmouth; some time before the arrival of the ship, it was reported that a quantity of Bohea tea was expected. Hereupon I took effectual precautions to counteract the universal disquiet of America, from contravening the acts of parliament in this instance, or destroying the property. By my desire the consignee wrote a letter to the master of the ship, with directions how to proceed on his arrival. This letter I gave to captain Cockran of his Majesty's castle William and Mary, who effected my orders in delivering it at sea. The 26th being Sunday, nothing was done. On the 27th the master and merchant went early to the custom-house, and entered the ship and cargo. At noonday the ship's boats came to the wharf with 27 chests of tea, carts were prepared, and the tea immediately carried to the custom-house, and there stored, before any people could assemble to obstruct it. The town not suspecting any movement until my return from Dover, about ten miles off, where I purposely staid during this first operation to secure this event, which I foresaw would be carried quietly, by withdrawing suspicion, having confided my plan to proper magistrates, who I knew would not be disappointed. In the afternoon a town meeting was convened upon the occasion. I came into town and passed on horseback through the concourse, who treated me with their usual kindness and respect. At the meeting, it was represented to the people, that

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the tea being now lodged in the custom-house, the question was totally changed, that nothing could be done, but by consent of and agreement with the merchant. The meeting proceeded with coolness and temper beyond almost my hope. It was proposed that a committee should be chose, and invested with powers to treat with the merchant. In this committee of eleven, were many principal gentlemen, discreet men, who I knew detested every idea of violating property: men disposed to prevent mischiefs. The town also chose a guard of freeholders, to protect and defend the custom-house and the tea from any attempt or interruption, which being sincerely intended, was faithfully executed. On the 28th the consignee accepted and agreed to the proposals of the committee, to export the tea to any market he chose, upon condition the town would reship and protect it, while in the harbour. This they gladly acceded to, and the town upon adjournment confirmed the proceedings; accordingly the committee and the consignee together were at the custom-house, where the duty was openly and regularly paid, and the tea again carted through the streets publicly in the day time, without noise, tumult or insult. About 9 p. m. three overheated mariners (two of them strangers) endeavoured to excite a mob, to destroy the tea and vessel hired to export it. Whereupon I sent for colonel Fenton, who gathered a few gentlemen, repaired to the vessel, and with laudable spirit and prudence they personally guarded both vessel and cargo in safety till the next morning. On the 29th a. m. the comptroller of the customs informed me, that these mariners had got drums, and were assembling thoughtless people to destroy the tea and sloop. At the same time I received a letter, from the consignee, desiring my aid and assistance, to take possession of the sloop and cargo. Hereupon I directed the sheriff instantly to summon the council, and every magistrate and peace officer to meet me forthwith on the wharf where the vessel lay, determining to disperse any riotous attempts, and order the vessel to the castle: while I was going out on this my duty, a messenger came to tell me that some magistrates and two of the council, Mr. Warner and Mr. Rindge, who happened to be in the way, hearing the noise, had repaired to the place, and, with many other freeholders, silenced the drums, and prevailed on the people to disperse without any outrage. At this time I received a second letter from the consignee, to the same purport as the first. I lost no time in writing an order to captain Cochran, immediately to take possession, defend, protect, and safely deliver the said vessel and cargo to the merchant, or to his orders; and the sheriff, John Parker, esq. to take command of the castle in his absence. In the evening, about half past 6, observing the wind to be contrary, I dispatched a second order to captain Cochran, still to continue in the orders of the morning. These orders were directly carried into effect, with a prudence and firmness that does honour to both the officers. On the 30th, the owner of the sloop, the master, and the supercargo, to whose care the consignee committed the tea, came on board, with proper custom-house clearances, and authority from the consignee. Captain Cochran examined the 27 chests of tea, found them perfectly safe, and in good order; desired the three last mentioned persons to examine the same, which they did, and then received both vessel and cargo into their possession, and forthwith sailed for Halifax. Mr. Parker, the sheriff, and captain Cochran, returned to their respective duties, and have made return of their doings, on my orders. During these these transactions, I told the collector and comptroller, also the consignee, that if they wanted any aid or assistance, or were apprehensive of danger, I was ready, whenever they would apply to me, and would not only issue orders, but in person defend them; that I was confident, the magistrates and freeholders would not desert me: but they would not apply, declaring they then apprehended no danger.

Copy of a LETTER from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, the 6th of July, 1774.

May it please your lordship; upon hearing the committee of correspondence, chosen by the late assembly of this province, had issued letters to those members, to meet this day in the representatives chamber in Portsmouth, there to deliberate and act, particularly to chuse delegates for a general American congress, and that some of the said persons were convened, I have considered it to be my duty to his Majesty to use my endeavours to disperse and separate so illegal and unwarrantable an attempt. I have therefore

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convened his Majesty's council, ordered the sheriff to attend me, and requiring their attendance on me, I went into the room, and immediately read the inclosed speech to them; afterwards I directed the sheriff to make open proclamation, for all persons to disperse and keep the King's peace, which was done before they had entered on any business, and I expect will be obeyed, as this letter must be forwarded by express 66 miles to Boston, and reach there to-night, in hopes to save conveyance by admiral Montague. I have, &c.

J. WENTWORTH.

Extract of a LETTER from the Hon. Governor Wentworth, to the Earl of Dartmouth, dated New Hampshire, 13th July, 1774.

The convention mentioned in my dispatch, No. 63, immediately dispersed, without attempting to enter into any measures. Those gentlemen with some others dined at a tavern, and there in private agreed to recommend to the several parishes in the province, that they choose persons to meet at Exeter on the 21st instant, for the purpose of appointing delegates to attend, and be part of an American congress, intended to assemble the 1st of September next, in Pennsylvania or New Jersey. The towns were desired to collect voluntarily, and send by their agents to Exeter, certain sums of money in proportion to their province tax, amounting to 300*l.* sterling, to pay the delegates. It was also recommended to the parishes, that the 14th instant be observed as a day of fasting and prayer. It is yet uncertain how far these requisitions will be complied with, but I am apt to believe the spirit of enthusiasm, which generally prevails through the colonies, will create an obedience that reason or religion would fail to procure.

Extract of a LETTER from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, August 29th, 1774.

Since my letter, No. 64, the convention of persons chosen by many towns, in consequence of the invitation in that letter referred to, met at Exeter, and elected colonel Folsom and major Sullivan to be delegates for this province, at the congress to be held in Philadelphia, on the first day of September next. I am informed that this convention collected and brought from their respective towns, about 120 guineas, which was paid into the hands of John Giddinge, esq. (who they elected treasurer) to defray the expence incurred by the delegates aforenamed, who set off on their journey to Philadelphia, on the 10th instant.

The committee of correspondence elected by the late assembly, and of course dissolved with them, wrote circular letters to all the towns in this province. Some few towns generally subscribed, many others totally rejected it. The committee appear conscious that their powers (if any they ever had) ceased with the assembly that elected them, for they do not date the day of the month, because it succeeded the dissolution; it is certain they had not acted nor even met together before that.

I think this province is much more moderate than any other to the southward, although the spirit of enthusiasm is spread, and requires the utmost vigilance and prudence to restrain it from violent excess. The inhabitants have now almost universally discontinued the use of Bohea tea, and I apprehend will entirely, within three months of this date.

The town clerk of Boston, who is said to be a zealous leader of the popular opposition, has been in this town about a week, immediately appears a publication in the New Hampshire Gazette, recommending donations for Boston, which has been followed by a notification to convene in town meeting "to grant relief to the poor of the town of Boston," on the 12th of September. It is probable no town grant will be made, and the meeting issue in appointing a committee to receive and transmit voluntary donations, which I believe will not afford much comfort to them or greatly credit the charitable munificence of these town meetings; grants are always and ever will be greater on popular pretences than private subscriptions, because those that vote in public, pay by far the least part of the grant; as is ever the case with select men, who having power over the apportionment of rates, probably do not exercise it to their own detriment, and thence more easily join in facilitating and augmenting such gifts, which, from the nature of the office, they have great influence upon. It is greatly to be wished, that gentlemen of property, experience and education, could be persuaded to accept the office of select-men; but it is impracticable; if they are disinterested, and without other views than the public good, it is a very laborious and unprofitable em-

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ployment: and as I have nothing in my power, whereby to reward such good men, they all decline, and the interior regulation of the capital falls into the hands of those who can submit to make it worth their attention. J. WENTWORTH.

Extract of a LETTER from Governo Wentworth to the Earl of Dartmouth, dated New Hampshire, 13th September, 1774.

On the 8th instant, about sun-set, arrived in the port of Piscataqua the Fox mast ship, having on board 30 chests of Bohea tea, consigned to Mr. Edward Parry of this town. Previous to this arrival it had been reported that such an event was expected: I therefore early instructed captain Cochran of his Majesty's castle William and Mary, in this province, to render all the aid and assistance in his power upon the first application. Accordingly captain Cochran, always indefatigable in his duty, went off to the ship while at sea and proffered his service. Some few days before this arrival letters were received from London, mentioning the shipping of the tea to sundry persons, whence it became very public. A ship last week arrived from Salem with a quantity of tea on board, also confirmed the expectation of the like here. These things, added to a report from Salem that the people would not admit the tea to be landed, entered, or pay the duty there, and the enthusiastic spirit of that province, daily gaining ground both there and here, notwithstanding my utmost efforts and vigilance, rendered the event of this importation more precarious than the former, and raised almost insurmountable obstacles against its preservation.

As soon as it was generally known that tea was arrived here, the disquiet broke forth among the populace, and at a quarter past ten at night I received a letter from Mr. Parry, informing me of his windows being broken by a mob, and desiring protection. At half past ten I sent Mr. M'Donah, my private secretary, and my brother, who happened to be at my house, to enquire of Mr. Parry what was necessary, and, if any danger, to offer him the protection of my house, which they did; but the attempted mob having subsided, he saw there was no danger, and remained quietly and safely in his own lodgings. At three quarters past 9 A. M. of the 9th instant, Mr. Parry brought me a petition to the governor and council, praying the protection of government, whereupon I convened the council within an hour, and received advice from them to call in the justices that were in town, and require their execution of their duty, which they, with laudable prudence and firmness immediately proceeded upon, and with desirable success.

Mr. Parry and captain Norman were informed of these proceedings, and by me told at the council board, that the governor, council, and magistrates, would, upon the least notice, support and protect them and their property, and that we should all be in readiness. At 6 P. M. I adjourned till nine next morning, and sent for the chief justice, sheriff, and attorney general, from Exeter, where the superior was and is yet sitting. Also for Mr. Gildman and Waldron from Exeter and Dover, to make a full council. That nothing might be wanting to execute the law, and preserve the public peace, the council sat till two; and no further application made nor any appearance of riot or violence whatever. I proposed to the council to consider and advise me what further was needful to be done upon the petition; this was referred to a committee to report upon, and I adjourned until the 12th instant.

During this period, the town meetings were agitated. At length a committee were chosen to consult with Mr. Parry and the captain, who agreed to export the tea to Halifax, after being duly entered, and paying the duty. About 5 P. M. of 10th Mr. Parry and captain Norman came to me, and informed me of this agreement, and that they were obliged to the government for their protection, which they imagined was no longer necessary on this occasion. However, I judged it prudent to meet the council on the adjournment, and to have the council convened again in the afternoon, as there was a town meeting sitting, and I could not be certain of established quiet until that was over. The vessel with the tea sailed the 11th inst. with a fair wind, for Halifax, and the town is in peace.

Notwithstanding, I can still have the pleasure to represent to your lordship that this province continues more moderate than any to the southward; yet, at the same time, truth requires me to suggest, that the union of the colonies in sentiment is not divided nor lost in New Hampshire, although they have hitherto been prevailed upon to abstain from acts of general violence and outrage, and the laws have their course. How long it will remain so is im-

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possible to foresee; I confess much good may not reasonably be counted upon, while the unhappy distractions in the Massachuset's Bay gain ground and spread with such violence as cannot but be extremely deplored by every considerate man.

Extract of a LETTER from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, 15th Nov. 1774.

At an adjournment of a town meeting in Portsmouth, in October last, 52 voters reconsidered a vote of 56 voters in a previous meeting, "not to grant the town moneys for a donation to Boston; but that a voluntary subscription be opened for that purpose." This lesser number granted 200*l.* proclamation money, which is near four times their province tax.

They also proceeded to choose a committee of 45 persons, chiefly out of the number then present, who stile themselves, "a Committee of Ways and Means." I hear one half the number refused to act. The remainder convened together, and prevailed on Mr. Wentworth, an old gentleman of 78 years, and lately extremely impaired by frequent epileptic fits, to be their chairman. General Gage having desired me to furnish some carpenters to build and prepare quarters for his Majesty's troops in Boston, the carpenters there being withdrawn, and the service much distressed; I immediately engaged and sent him a party of able men, which arrived to the general, and are very useful. However, this committee considered it as very obnoxious, and chose a subcommittee from among their acting members, to draw up resolves relative to this matter, which I am informed they did, and were accordingly published in the inclosed New Hampshire Gazette, No. 940, which excited the designed madness through the interior parts of the province, and solely gave rise to the proceedings at Rochester, as published in the Gazette, No. 942. Indeed, had not the Rochester committee acted with great prudence, and consented to call Mr. Austin before them, it is greatly to be apprehended very essential outrages would have been committed on his estate, and his person endangered through the violence of a deluded populace. From these motives only were those three gentlemen in Rochester prevailed on to act in a business the whole of which they publicly disapproved, but had not power to suppress. During these agitations captain Holland, by desire of brigadier general Robinson, had purchased some blankets for the army. The committee forbad him to ship any, and he immediately sent them all to my house for safety, whence I directly shipped them for Boston, and they are safely delivered. In the counties of Hillsborough and Cheshire I have heard there have been several reprehensible violences committed, under popular pretences of liberty; hitherto there has been no complaints made to me; nevertheless I took such measures, that, I am informed by the magistrates of those counties, the difficulties begin to subside. But I cannot flatter myself with any reasonable hopes of the legal establishment of the powers of government in this province, until they are effectually restored in the Massachuset's Bay. I have been successful in prevailing on soldiers deserted from the king's troops at Boston, to return to their duty, through the spirited and prudent activity of major Thompson, a militia officer of New Hampshire, whose management, the general writes me, promises further success. The town of Exeter have followed the example of Portsmouth, and granted 100*l.* to Boston, and I apprehend many other towns will do the like.

Extract of a LETTER from Governor Wentworth to the Earl of Dartmouth, dated New Hampshire, 2d December, 1774.

The forming a continental congress was so universally adopted by the other colonies, that it was impossible to prevent this province from joining therein, and accepting the measures recommended, which are received implicitly: so great is the present delusion, that most people receive them as matters of obedience, not of considerate examination, whereon they may exercise their own judgment. Accordingly on their first publication the acting part of the committee mentioned in my dispatch, No. 69, forbid an exportation of fifty sheep, the adventure of a ship-master, bound to the West-Indies, and caused him at some loss to dispose of his sheep, and unlade the provision made for them.—This day the provincial committee nominated at Exeter by the electors of the delegates to the congress, have published their mandate, for a general submission to the resolves of the congress, signed by their chairman, who was speaker in the late general assembly.—It is much

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to be wished the colonies had pursued the mode of representation your lordship is pleased to mention. At present, I apprehend, the respective assemblies will embrace the first hour of their meeting formally to recognize all the proceedings of the congress, and if they should superadd, it will not probably be less violent than the example which will be their foundation.

Extract of a LETTER from Lieut. Governor Colden to the Earl of Dartmouth, dated New York, 4th May, 1774.

Captain Lockyer with the so long looked for tea from the India Company arrived at Sandy Hook on the 19th of last month. The ship came no farther up, and a few days after sailed from thence again for London with the tea on board. Neither the captain nor any other made the least application to me about the ship or her cargo. The account of this affair published in the inclosed news-paper is as particular and full as any that I could procure.—In the same paper your lordship will find an account of some more violent proceedings against a parcel of tea imported by capt. Chambers, of the ship London, who arrived here while capt. Lockyer was in this place. As no application was made to me by capt. Chambers, or any other, before or since this riotous event, I cannot give your lordship a better account of it than is contained in the printed paper. It happened early in the evening, and though a pretty large number of spectators were assembled, the quarter where I reside and the greater part of the town was perfectly quiet. It is said capt. Chambers drew the particular resentment of the people upon himself by the duplicity of his conduct. Last voyage he claimed applause here for being the first who refused to take the India Company's tea on board his ship, and received public thanks from the people of this place for it.—A few days after governor Tryon went from hence, a small sloop loaded with Dutch tea, duck, &c. was seized by an officer of the custom-house. She was taken in this port at noon day, and secured without any tumult on the occasion.

Extract of a LETTER from Major General Haldimand to the Earl of Dartmouth, dated New York, 15th May, 1774.

The accounts received before the arrival of the packet as late as the 14th of April, had made known the plan of operation intended to bring Boston to a sense of order and decency, so that on the arrival of lieut. general Gage the inhabitants of that place will not be at a loss what they are to expect if they will prove refractory; it is the opinion of many people here that they will acknowledge their fault, pay for it, and endeavour to reinstate themselves into his Majesty's favour by a proper submission. I wish it may be the case, as there is no knowing how far the factious spirit of a few leading men may carry an inconsiderate multitude, who have imbibed the most romantic notions of independence and liberty, and there will not fail to be such papers propagated amongst them in order to spirit them up. The act of parliament relative to the port of Boston is already reprinted here with such representations as may possibly answer that end. I take the liberty to inclose to your lordship one of those papers handed about this town gratis.

Extract of a LETTER from Major General Haldimand to the Earl of Dartmouth, dated New York, 1st June, 1774.

I think it my duty to acquaint your lordship with the apparent effect, which the late vigorous measures adopted by the parliament of Great Britain have made on the minds of the people of this country; the few who entertained more loyal and liberal ideas of government, are now induced and encouraged to speak their minds with more freedom, and fear not to disapprove the rash proceedings of their countrymen, blindly led by a few hot-headed and designing men; this has operated so far, as to prevent hitherto, the effect of the resolution warmly urged by a number of violent enthusiasts to shut up their ports themselves both here and at Philadelphia, and to decline any importation from Great Britain and Ireland, or exportation to any of the West-India islands, until the Act against the town of Boston should be repealed.—The more timid amongst them, actuated by self-interest and common prudence, have joined the few who dared to stand forth against such outrageous and illegal combinations; in consequence of which the measure was rejected; but it is to be feared that the fire is only smothered at present, and might break out a-new unless the measures said to be adopted subsequent to the Boston Port Bill should prove sufficient

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to restore the good order and harmony, so essential to Britain and her colonies, to assure the dependance of the latter on the kingdom of Great Britain, and in time remove the prejudices now subsisting.

Extract of a LETTER from Lieut. Governor Colden to the Earl of Dartmouth, dated New York, 1st June, 1774.

The act of parliament shutting up the port of Boston was brought to this place by a merchant vessel a few days before I received it from your lordship's office. The Act was immediately published in all our news-papers, and was the subject of all conversation. I knew that people universally in this colony had received such ideas of being taxed at the pleasure of parliament, that I was particularly anxious upon this occasion to discover the sentiments of those who might have most influence over others, and was assured by the gentlemen of the council, and others of weight in the city, that no means would be omitted to prevent the hot-headed people taking any measures that might endanger the peace and quiet of the colony.

The men who at that time called themselves the committee, who dictated, and acted in the name of the people, were many of them of the lower-rank, and all the warmest zealots of those called the sons of liberty. The more considerable merchants and citizens seldom or never appeared among them; but I believe were not displeased with the clamour and opposition that was shewn against internal taxation by parliament.

The principal inhabitants being now afraid that these hot-headed men might run the city into dangerous measures, appeared in a considerable body at the first meeting of the people after the Boston Port Act was published here. They dissolved the former committee, and appointed a new one of 51 persons, in which care was taken to have a number of the most prudent and considerate people of the place, some of them have not before joined the public proceedings of the opposition, and were induced to appear in what they are sensible is an illegal character, from a consideration that if they did not, the business would be left in the same rash hands as before.

Letters had been received from Boston with an invitation from that town to the sister colonies, immediately to come into a resolution to refrain from any commerce with Great Britain and the West India islands, till the Act for shutting up the port of Boston was repealed.

I am informed that the new committee in their answer to Boston, have given them no reason to expect that the merchants of this place will adopt so extravagant a measure, and people with whom I converse assure me, that they think it cannot be brought about by the most zealous advocates of opposition. As yet no resolutions have been taken by the people of this colony, and the cool prudent men will endeavour to keep measures in suspense till they have an opportunity of adopting the best. I am told they have proposed that the colonies be invited to send deputies to meet together, in order to petition the King for redress of grievances, and deliberate upon some plan whereby the jealousies between Great Britain and her colonies may be removed. It is allowed by the intelligent among them, that these assemblies of the people without authority of government are illegal, and may be dangerous, but they deny that they are unconstitutional when a national grievance cannot otherwise be removed. What resolutions will be taken I cannot yet say. The government of this province has no coercive power over these assemblies of the people, but the authority of the magistrates in all other cases is submitted to as usual.

LETTER from Lieut. Governor Colden to the Earl of Dartmouth, dated New York, 6th July, 1774.

In my letter of June 1st, I informed your lordship, that the people of this city had chosen a committee of 51 persons to correspond with the sister colonies, on the present political affairs; that many of this committee were of the most considerable merchants, and men of cool tempers, who would endeavour to avoid all extravagant and dangerous measures. They have had a continual struggle with those of a different disposition, and having for several weeks succeeded in suspending any resolutions, I was in hopes they would have maintained the only conduct which can excuse them. But accounts repeatedly coming to hand from different parts of the continent, of the appointment of deputies to meet in a general congress, this measure was so strenuously pushed, that it was carried in the committee of 51 on Monday last, and five persons were named

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for the deputies from this province; the persons named are, James Duane, and John Jay, two eminent lawyers, Isaac Low, Philip Livingston, and John Alsop, merchants. I am told a violent effort was made in the committee to have John Scott, an eminent lawyer, and Alexander M'Dougle, named in place of Jay and Alsop; it is said the people are to be invited to meet on Thursday, to approve of the deputies named by the committee. These transactions are dangerous, my lord, and illegal, but by what means shall government prevent them? An attempt by the power of the civil magistrate would only shew their weakness, and it is not easy to say upon what foundation a military aid should be called in; such a measure would involve us in troubles, which it is thought much more prudent to avoid; and to shun all extremes, while it is yet possible, things may take a favourable turn. The purpose of the congress, it is said, is to petition for a redress of grievances, and to consider of a plan for settling the controversy with Great Britain. But no instructions for the deputies have yet appeared that I know of.

The present political zeal and phrenzy is almost entirely confined to the city of New York, the people in the counties are no ways disposed to become active, or to bear any part in what is proposed by the citizens. I am told all the counties but one, have declined an invitation sent to them from New York, to appoint committees of correspondence. This province is every where, my lord, except in the city of New York, perfectly quiet and in good order, and in New York a much greater freedom of speech prevails now than has done heretofore. An opposition has been declared to the vile practice of exhibiting effigies, which I hope will prevent it for the future.

Extract of a LETTER from Lieut. Governor Colden to the Earl of Dartmouth, dated New York, 2d August, 1774.

In my letter No. 3, I submitted to your lordship my opinion, that government here cannot prevent the frequent meetings of the people, which have become common every where; and I am now convinced, that if government had interfered, the most violent men would have gained great advantage, and would have prevented the acquiescence in the nomination of moderate men, which has now taken place to meet at the general congress of deputies from all the colonies, proposed to be held at Philadelphia next month.

The meeting of the delegates, I am of opinion cannot be prevented; if they pursue only such prudent measures as are calculated to remove the destructive dissentions which subsist between Great Britain and her colonies, the meeting though illegal, it may be hoped, will produce some good.

Great pains have been taken in the several counties of this province to induce the people to enter into resolves, and to send committees to join the city committee, but they have only prevailed in Suffolk county, in the east end of Long Island, which was settled from Connecticut, and the inhabitants still retain great similarity of manners and sentiments.

From a view of the numerous resolves of the people in all the colonies, which appear in every news-paper, your lordship might be led to think a stupid fatal hardiness intoxicated the whole. But there are every where many people who are seriously alarmed at the critical posture of the contention between Great Britain and her colonies; they look forward with the deepest anxiety, and would rejoice in any prudent plan for restoring harmony and security. Could it be thought consistent with the wisdom of parliament to lay aside the right of raising money on the subjects in America, and in lieu thereof, that the several American assemblies should grant and secure to the crown a sufficient and permanent supply to pay all the officers and ordinary expences of government, they are of opinion this would be a ground-work upon which a happy reconciliation might be effected; the dependance of the colonies on Great Britain secured, government maintained, and this destructive contest amicably terminated. For this purpose they hope an address to his Majesty will be formed at the general congress.

Extract of a LETTER from Lieutenant Governor Colden to the Earl of Dartmouth, dated New York, 7th September, 1774.

The destruction of captain Chambers's tea was so unexpected and sudden, that no measures could be previously thought of to prevent it.

Afterwards the gentlemen of property and principal merchants attended the meetings of the populace, when called together by their former demagogues, who

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thereby have lost their influence, and are neglected. The populace are now directed by men of different principles, and who have much at stake. Many papers have been published in this city to expose the measures which had been proposed by the former demagogues in opposition to government. Men now speak and publish sentiments in favour of government, and argue upon the political subjects of the times, with much greater freedom and security than has been known here for some years past, which I hope is a sign that the licentious spirit which has governed the people to their great disgrace is checked; we have no more burning of effigies, or putting cut-throat papers under people's doors.

I hope I am not deceived in thinking that the people of this province will cautiously avoid giving any new offence to the parliament, but great numbers are so fluctuating, that some unexpected incident may produce bad effects.

The five gentlemen whom I formerly informed your lordship were appointed by this city to be their delegates at the general congress, went to Philadelphia, the place of meeting, last week. Seven counties of this province, neither appointed delegates for themselves, nor concurred in the choice made by the city; and two counties have sent delegates of their own. I found the city delegates were embarrassed by this dissention of the people.

Extract of a LETTER from Lieut. Governor Colden to the Earl of Dartmouth, dated New York, 5th October, 1774.

By my letter of the 7th Sept., your lordship would find I entertained hopes that the people of this province would adopt moderate measures, and avoid giving any new offence to the parliament. I knew such were the sentiments of the farmers and country people in general, who make a great majority of the inhabitants.

A great deal of pains has been taken to persuade the counties to choose delegates for the congress, or to adopt those sent by this city. Several of the counties have refused to be concerned in the measure. In Queen's county, where I have a house, and reside the summer season, six persons have not been got to meet for the purpose; and the inhabitants remain firm in their resolution not to join in the congress. In the counties that have joined in the measures of the city, I am informed the business has been done by a very few persons, who took upon themselves to act for the freeholders. A gentleman who was present when the delegates were chosen in Orange county, says there were not twenty persons at the meeting, though there are above a thousand freeholders in that county; and I am told the case was similar in other counties that are said to have joined in the congress.

The violent men in this city who lost the lead among the people when the committee of 51 were appointed, as mentioned in my former letters to your lordship, hoped they had got an opportunity to regain their importance, and to throw the city into confusion on occasion of orders which were received by some of our merchants to furnish articles wanted by the army at Boston. These violent men last week called a meeting of the citizens, which few but the lower class of people attended, and not a great many of them; yet they had the impudence to send a committee to the merchants who were engaged in supplying the articles wanted by the army at Boston, with a very impertinent message, and endeavoured to deter them and all others from furnishing the army and transports with any thing whatever. These manœuvres occasioned some bustle among the people for a few days, and obliged the committee of 51 to desire a meeting of the inhabitants on Friday last, when a large body of the principal people and merchants appeared, and declared, that those who had taken upon them to threaten the merchants had acted without any authority from the public, and that they highly disapproved of their conduct; which has once more silenced the turbulent factious few, who are never easy when the people are quiet and orderly. The merchants now go on completing their orders without farther interruption.

It is my duty to give your lordship the best information I am able of the disposition of the people of this province. With this view I mention the most material transactions among them. It is extremely difficult at such times to give an opinion of what may happen. The most trifling unforeseen incident may produce the greatest events. I have already said, my lord, that I am well assured almost the whole inhabitants in the counties wish for moderate measures; they think the dispute with Great Britain is carried far enough, and abhor the thoughts of pushing it to desperate lengths. In the city

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a large majority of the people wish that a non-importation agreement may not be proposed, and were very much surprised on finding that such a measure would probably be resolved on by the congress. I have some hopes that our merchants will avoid a non-importation agreement, even if proposed by the congress. I am certain a majority of the most considerable are convinced it is a wrong measure, and wish not to come into it, but whether they will have resolution enough to oppose the sentiments of all the other colonies, can only be known when they are put to the trial.

The speeches in parliament, and other inflammatory papers published in London, and reprinted in America, make the worst impression on the minds of the people. They are opposed in this place by publishing more papers in favour of administration, and against measures which must be offensive to parliament, than in all the other colonies put together.

Extract of a LETTER from Lieut. Governor Colden to the Earl of Dartmouth, dated New York, 2nd November, 1774.

The congress at Philadelphia broke up last week. They have published an extract of their proceedings, of which I inclose your lordship a copy. It was received in this place only two days ago, so that there has not been time to discover the general sentiments of the people upon it. It is certain, that the measures of the congress do not meet with rapid applause there, but on the contrary the people, even in the city, appear to be rather dissatisfied. They continue, so far as I can discover, averse to all violent and irritating measures. The merchants seem to disrelish the non-importation association, and if I am not very much deceived, the farmers will not bear the non-exportation; but at present it is impossible to say with certainty what steps the people will take in consequence of what has been advised and determined by the congress.

I think I may continue to assure your lordship, that a great majority in this province are very far from approving of the extravagant and dangerous measures of the New England governments, that they abhor the thoughts of a civil war, and desire nothing so much as to have an end put to this unhappy dispute with the mother country.

Our assembly have not met for some years past till after the Christmas holidays. Before that time I will endeavour to learn, whether I may expect that they will propose conciliatory measures.

Nothing material has happened in this place since my last letter to your lordship. The merchants are at present endeavouring to sift out each other's sentiments upon the association proposed by the congress; a certain sign, I take it, that they wish to avoid it. About eighty artificers went from hence with general Haldimand to work on the barracks there; and last week iron pots and stores were shipped for the use of the troops at Boston, without an attempt being made to prevent it.

Extract of a LETTER from Lieut. Governor Colden to the Earl of Dartmouth, dated New York, 7th December, 1774.

Notwithstanding the business which at this time agitates America, is such, that we continually expect some event of great importance, what has occurred in this province since my letter of the 2nd of November, has not been very material.

The first thing done here in consequence of the resolutions of the congress, was the dissolution of the committee of 51, in order to chuse a new committee to carry the measures of the congress into effect, a day was appointed by advertisement, for chusing 60 persons to form this new committee. About 30 or 40 citizens appeared at the election, and chose the 60 persons who had been previously named by the former committee; I can no otherwise, my lord, account for the very small number of people who appeared on this occasion, than by supposing that the measures of the congress are generally disrelished.

The non-importation association affects the smugglers as well as the fair traders. No tea is to be imported from any part of the world, after the first of this month. The smugglers expect large quantities of Dutch tea, and insist that it shall be exempted from the effect of the association; others declare, that the fair traders shall not be the only sufferers. It is a dispute which I think may very probably defeat the association. Several vessels are daily expected here with goods from England, and I am told ten or twelve at Philadelphia. It is however shocking to reflect, my lord, that smuggling is such a business among us, as to be publicly espoused by numbers, and more strenuously advocated than the legal trade.

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In the present committee of this place there are several gentlemen of property, and who are esteemed to favour moderate and conciliatory measures. I was surprised to find such men joining with the committee whose design is to execute the plan of the congress. I have at length discovered that they act with a view to protect the city from the ravages of the mob. For this purpose they say, they are obliged at present to support the measures of the congress, that if they did not, the most dangerous men among us would take the lead; and under pretence of executing the dictates of the congress, would immediately throw the city into the most perilous situation. That however considerable the numbers may be who disapprove of violent riotous measures, yet the spirit of mobbing is so much abroad, it is in the power of a few people at any time to raise a mob; and that the gentlemen and men of property will not turn out to suppress them.

I fear, my lord, there is too much truth in this representation. It is a dreadful situation; if we are not rescued from it by the wisdom and firmness of parliament, the colonies must soon fall into distraction, and every calamity annexed to a total annihilation of government.

The assembly of this province stand prorogued to the 10th of January, and by the advice of the council summonses are issued for them to meet on that day. Many people think there is a probability that they will go upon conciliatory measures, and propose something that may be countenanced by administration. The event is uncertain, but on such occasions I think every thing is to be tried that may possibly avert the calamity which hangs over this country. I do not apprehend there is any danger that the assembly will make matters worse than they are.

Several pieces have been published here, exposing the extravagant and dangerous proceedings of the congress, and advising the people to rely on the assembly, that they will take the most reasonable and constitutional means of restoring peace and harmony between Great Britain and this province.

Extract of a LETTER from Governor Franklin to the Earl of Dartmouth, dated Burlington, 31st May, 1774.

Since my last I have received two circular dispatches from Mr. Pownal, dated March 10th and April 6th, inclosing copies of his Majesty's Message to both Houses of parliament relative to the late disturbances in America; their resolution thereupon, and the act of parliament respecting the port of Boston. The latter has been published in the usual manner, though the people in this colony are not concerned in carrying on any commerce with the province of Massachuset's Bay.

It is difficult as yet to foresee what will be the consequence of the Boston Port Act; it seems as if the merchants of Philadelphia and New York, at their late meetings, were inclined to assist or co-operate with those of Boston in some degree, but not to carry matters so far as to enter into a general non-importation and exportation agreement, as was proposed to them by the town of Boston; however, I believe it may be depended upon, that many of the merchants, on a supposition that a non-importation agreement (so far as respects from Great Britain) will be certainly entered into by next autumn, have ordered a much greater quantity of goods than common to be sent out by the next fall ships from England.

A congress of members of the several houses of assembly has been proposed, in order to agree upon some measures on the present occasion; but whether this expedient will take place is as yet uncertain. The Virginia assembly some time ago appointed a committee of correspondence, to correspond with all the other assemblies on the continent, which example has been followed by every other house of representatives: I was in hopes that the assembly of this province would not have gone into the measure; for though they met on the 10th of November, yet they avoided taking the matter into consideration, though frequently urged by some of the members, until the 8th February, and then I believe they would not have gone into it, but that the assembly of New York had just before resolved to appoint such a committee, and they did not chuse to appear singular.

Extract of a LETTER from Governor Franklin to the Earl of Dartmouth, dated Burlington, 28th June, 1774.

My lord; I have just received a copy of some resolves entered into at a meeting of a number of freeholders and inhabitants of the county of Essex, in this province, on Saturday last, which I think it my duty to transmit to your lordship. The meeting was occasioned it seems by an advertise-

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ment, requesting the attendance of the inhabitants on that day, and published in one of the New York papers, and signed by two gentlemen of the law who reside in that county. I have likewise had an application made to me by some of the members of the house of representatives, to call a meeting of the general assembly in August next, with which I have not, nor shall not comply, as there is no public business of the province which can make such a meeting necessary. It seems now determined by several of the leading men in most, if not all the counties in this province, to endeavour to follow the example of the freeholders in Essex. Meetings of this nature there are no means of preventing, where the chief part of the inhabitants incline to attend them. I as yet doubt, however, whether they will agree to the general non-importation from Great Britain, which has been recommended. Their principal aim seems to be to bring about a congress of deputies from all the colonies, as proposed by Virginia; and that that congress should not only apply to his Majesty for the repeal of the Boston Port Act, but endeavour to fall upon measures for accommodating the present differences between the two countries, and preventing the like in future.

LETTER from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, 31st May, 1774.

My lord; I take this opportunity of the packet to acquaint your lordship, that as soon as the people of Boston knew of the late act of parliament for shutting up that port, an express was dispatched from thence with the intelligence to this city, with a proposal to concur with them in putting a total stop to the importing or exporting any kind of goods whatsoever, until the above Act should be repealed.

In consequence of this, a considerable number of merchants and others had a meeting, at a tavern in this city, where I understand the matter was taken into consideration and debated. The only resolution that I can learn they came into was to prefer a petition to me, to convene the assembly on the occasion, and I am told a petition has been framed for that purpose, and is now handed about the town to be signed, and will be presented me in a few days. Should so affrontive an application be really made to me, your lordship may be assured I shall treat it as it deserves. I have however been informed, that the movers of this extraordinary measure, had not the most distant expectation of succeeding in it, but that their real scheme was to gain time by it, to see what part the other colonies will take in so critical a conjuncture. Should any further steps be taken here that may be worthy your lordship's information, I shall not fail immediately to communicate them.

I have, &c. JOHN PENN.

Extract of a LETTER from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, 5th July, 1774.

My lord; in my last, of the 31st of May, I had the honour to inform your lordship of my expectation, that a petition would be presented to me for calling the assembly. I have since received such a petition, and herewith transmit you a copy of it, as also of my answer. In consequence of my refusal to call the assembly, there was a general meeting of the people of this city and county, which, I am informed, was not so full as might have been expected on such an occasion.

Their proceedings I am only acquainted with by the newspapers, one of which I send your lordship, which contains the transactions of the day. The general temper of the people, as well here as in other parts of America, is very warm. They look upon the chastisement of Boston to be purposely rigorous, and held up by way of intimidation to all America; and, in short, that Boston is suffering in the common cause. Their delinquency in destroying the East India Company's tea, is lost in the attention given to what is here called the too severe punishment of shutting up the port, altering the constitution, and making an Act, as they term it, screening the officers and soldiers for shedding American blood. The plan which seems to be universally adopted, is the procuring a general congress, in order to state the rights, and represent the grievances of America to the throne; and to agree upon such measures as may be thought most likely to relieve Boston, and restore harmony between Great Britain and the colonies.

The measures generally talked of is the non-importation and non-exportation from and to England. Some are for making it general, and others for limiting it, but all for associating against the use of East India goods of every kind, except salt-petre and spices. In the mean time, as great

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numbers of people will be reduced to absolute indigence for want of their usual employment, collections are making here, and in all other parts of America, for their relief.

Extract of a LETTER from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, 30th July, 1774.

My lord; I beg leave now to acquaint your lordship, that a meeting of deputies from the several counties of this province was held in this city on the 15th of this month, to consider of the most proper measures to be taken in the present differences between Great Britain and the colonies. The principal business done at this convention was forming a set of resolves, and preparing a draught of instructions to their representatives, which they laid before the assembly, and immediately afterwards published them. I herewith send your lordship the newspaper containing those resolves and instructions, as also the resolutions of the assembly thereupon, by which your lordship will perceive, that the steps taken by the assembly are rather a check than an encouragement to the proceedings of the committee; and this I was well assured would be the case. I am with great respect, &c. JOHN PENN.

Extract of a LETTER from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, 5th September, 1774.

In my several letters of the 31st May and 4th July, I gave your lordship an account of the temper and disposition of the people of America, with respect to the several Boston acts of parliament, and of the measures which I then understood were intended to be pursued. And I am now to inform your lordship, that deputies from the colonies of Massachuset's Bay, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties, Maryland, Virginia, and South Carolina, have met by appointment in this city, as the most central place, and assembled this morning for the first time in general congress, as it is called, to consult on the proper means of obtaining relief from hardships which they suppose to be entailed on the colonies by those acts of parliament. It is said, that deputies are also expected from the colonies of North Carolina and Georgia, but they have not yet made their appearance.

It is impossible to say what the result of their deliberations may be, but I shall not fail to inform your lordship of them by the very first opportunity that offers after they are known. I think it, however, my indispensable duty to his Majesty to acquaint your lordship, that, from the best intelligence I have been able to procure, the resolution of opposing the Boston Acts, and the parliamentary power of raising taxes in America for the purpose of a revenue, is in a great measure universal throughout the colonies, and possesses all ranks and conditions of people. They persuade themselves there is a formed design to enslave America; and though the Act for regulating the government of Canada does not immediately affect the other provinces, it is nevertheless held up as an irrefragable argument of that intention. General, however, as the resolution is to oppose, there is great diversity of opinions as to the proper modes of opposition. Some are said to be for remonstrance alone upon a state of grievances and claims. Others are for a general, and others again for a partial non-exportation and non-importation, without any remonstrance. This perhaps may be the source of divisions which will not be easily got over.

LETTER from Deputy Governor Penn to the Earl of Dartmouth, dated Philadelphia, 3d October, 1774.

My lord; since I had the honour to write to your lordship on the 6th of last month, the congress of deputies from the several colonies have continued sitting in this city; but as they have agreed to keep all their proceedings secret, I have it not as yet in my power to transmit to your lordship any account thereof, except what they themselves have published in the newspapers, which is comprized in three resolves. One of them is a request to the merchants in the several colonies not to send any orders to Great Britain for goods, and to direct the execution of all orders already sent to be suspended, until the sense of the congress on the means to be taken for the preservation of the liberties of America be made public. The other two are expressive of their feelings for the sufferings of the people of Massachuset's Bay; their approbation of a set of resolves entered into by the delegates of the county of Suffolk in that province, and their opinion that the contributions from all the colonies for supplying the necessities of

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the people of Boston, ought to be continued as long as their occasions may require. But as these resolves, as well as those of the county of Suffolk, are inserted at large in the public papers, I beg leave to inclose two of the papers which contain them, and as soon as any further transactions of the congress are made known, I shall not fail to communicate them to your lordship by the first opportunity. I have, &c.

JOHN PENN.

LETTER from the Deputy Governor of Pennsylvania to the Earl of Dartmouth, dated Philadelphia, 31st October, 1774.

My lord; I have the honour to acquaint your lordship that the congress of delegates from the several colonies dissolved themselves on the 26th instant, and have just published the principal part of their proceedings. I therefore take the earliest opportunity of transmitting you herewith two printed copies of them; and I am informed, that, besides what is contained in these extracts, they have framed a petition to his Majesty, but not having had the least connection or intercourse with any of the members of the congress, I am entirely unacquainted with its contents, or with any other part of their transactions which they have not thought fit to make public. I am, &c.

JOHN PENN.

Extract of a LETTER from the Deputy Governor of Pennsylvania to the Earl of Dartmouth, dated Philadelphia, 4th November, 1774.

I have the honour of your lordship's letter, No. 6, of the 7th of September, before the receipt of which I wrote you by the packet, and inclosed you a pamphlet containing extracts of the proceedings of the late congress of American deputies of this place. What tendency the measures they have taken may have to compose the unhappy differences between the mother country and its colonies, is a question which occasions a variety of opinion. I can only wish their transactions may not be viewed in such a light as to retard that union which all good men anxiously desire may be speedily established.

LETTER from the Deputy Governor of Pennsylvania to the Earl of Dartmouth, dated Philadelphia, 6th December, 1774.

My lord; since my last letter dated the 4th of November, no public occurrence has happened within my government, except that in pursuance of the recommendation of the congress, the inhabitants of the city and county of Philadelphia, and some other counties of this province, have appointed committees to observe the conduct of all persons within their respective districts, touching the association entered into by the congress, and to see that the same be not violated. Whenever any thing material occurs, I shall take care to communicate the same to your lordship by the first opportunity. JOHN PENN.

LETTER from the Earl of Dunmore to the Earl of Dartmouth, dated Williamsburg, 29th May, 1774.

My lord; the general assembly of this colony met here on the 6th of May for dispatch of the necessary business, and a few days after an account arrived in this country of the act of parliament passed for discontinuing the shipping or discharging goods in the harbour of Boston, which has induced the house of burgesses again, on this occasion, to declare what they are fond of having it thought always originates with them, a determined resolution to deny and oppose the authority of parliament. Accordingly Robert Carter Nicholas, the treasurer of this colony, made a motion for the order, which passed, and which I herewith transmit to your lordship.

It was intended by the solemnity of a public fasting and praying to prepare the minds of the people to receive other resolutions of the house, the purport of which I am not informed of, but from such a beginning may naturally be concluded could tend only to inflame the whole country, and instigate the people to acts that might rouse the indignation of the mother country against them; in hopes therefore of preventing the progress of these ill effects by the only means in my power, which I fear will not be effectual, I have with the unanimous consent of the council dissolved the assembly, and I have determined not to issue new writs until I hear from your lordship, and am informed whether his Majesty shall think it necessary to give me any command in respect to this undutiful part of the legislature of Virginia.

I have heard from many of the dissolved members, and I hope it is true, that the house in general in the hasty manner the measure was proposed and agreed to, did not advert to the whole force of the terms

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in which the order I transmit is conceived, and that if it had, it is believed a strong opposition would have been made to it, and probably that it might have met a different fate. I am, &c. DUNMORE.

LETTER from the Earl of Dunmore to the Earl of Dartmouth, dated Williamsburg, 6th June, 1774.

My lord; since the dissolution of the assembly of Virginia, but before all the members of the house of burgesses had quitted this city, there arrived an express dispatched from Boston to the committee of correspondence here; as I learn, has likewise been done to all the other colonies, to excite and encourage the whole to shut up the courts of justice against all English creditors, to join in a general association against the importing any British manufactures, or even exporting any of their own produce to Great Britain, and proposing a congress of deputies from all the colonies forthwith.

I am really unable to suggest to your lordship to what lengths the people of this colony will be induced to proceed, further than what they have already made manifest by the order of the house of burgesses and subsequent association, the copies of which I have already transmitted to your lordship; but the part of the late burgesses remaining in town at the arrival of the Boston messenger, having taken upon themselves to receive his dispatches, and to enter into a consideration of their contents, and then to summon the inhabitants all above the age of twenty-one to appear at an hour they choose to appoint, and to propose to them to agree to all those violent measures above mentioned, which that they may be more solemnly entered into and more generally adopted, they have deferred the execution of to a further consideration on the 1st of August next, when all the members that composed the late house of burgesses are required to attend; these circumstances give too much cause to apprehend, that the prudent views, and the regard to justice and equity, as well as loyalty and affection, which is publicly declared by many of the families of distinction here, will avail little against the turbulence and prejudice which prevails throughout the country; it is, however, at present quiet.

In the order of the house of burgesses which I before transmitted, your lordship will observe, that the Rev. Mr. Gwatkin, who was the professor of mathematics and natural philosophy in this college, and is now the principal master of the grammar school, and who is of a most exemplary good character and great literary abilities, is appointed to preach the sermon on that occasion; in justice to which gentleman, I think it necessary to let your lordship know, that his name was made use of entirely without his knowledge, and that he civilly but with firmness declined being employed for such a purpose, and which proved no little mortification to the party who dictated the measure. I am, &c. DUNMORE.

Extract of a LETTER from Lieutenant Governor Bull to the Earl of Dartmouth, dated Charles Town, 31st July, 1774.

I had expectation that the measures taken by the parliament relative to Boston would have had some happy effect towards composing the disturbances in this province which seemed to have subsided a little last winter, but it has taken a contrary turn. Their own apprehensions and thoughts, confirmed by the resolutions and correspondence from other colonies, have raised an universal spirit of jealousy against Great Britain, and of unanimity towards each other; I say universal my lord, for few who think otherwise are hardy enough to avow it publicly.

The general claim is, exemption from taxation, but by their own representatives as co-essential with the British, their own constitution. Some who do not enter so deep into principles, are alarmed at the consequence of a ready acquiescence under taxation by the parliament, as they apprehend that then all the variety of ways and means of raising money in Great Britain will be soon put in practice here, and applied to purposes not merely American.

Such arguments as the last are easily understood and felt by every man, and catches like wild-fire among the multitude. They are deaf to the argument on the other side of the question, though obvious to a man of consideration, that in every empire an absolute power must necessarily be lodged somewhere, over all the parts and members thereof, which in Great Britain is in the king and his parliament. But liberty or slavery in their greatest latitude, is the alternative generally held forth in their popular meetings, for little attention or patience is shewn to those who attempt to state things in a different light.

Your lordship has doubtless been informed of the proposal from Boston, that

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there should be a congress of committees from every province, to consider of what was proper to be done by them in this crisis. Accordingly on the 6th instant a great concourse of people assembled in Charles Town, in order to choose a committee of five men for South Carolina. I inclose Timothy's Gazette, which publishes the result thereof.

I beg your lordship's permission to observe, and I do it with great concern, that this spirit of opposition to taxation and its consequences, is so violent and so universal throughout America, that I am apprehensive it will not be soon or easily appeased. The general voice speaks discontent, and sometimes in a tone of despair, as determined to stop all exports to, and imports from Great Britain, and even to silence the courts of law, foreseeing, but regardless of the ruin that must attend themselves in that case; content to change a comfortable for a parsimonious life, to be satisfied with the few wants of nature, if by their sufferings they can bring Great Britain to feel.

This is the language of the most violent, others think it is going too far; and the most violent too often prevail over the moderate. When men shall in general lay aside the hopes of getting riches, and abandon the employment of agriculture, commerce, and mechanic labour, what turn their leisure time under such circumstances may take, I submit to your lordship's knowledge of history, and of the human mind. Such sudden and great changes in the manners of an extended thriving people, among whom the gazettes are filled with such variety of articles for luxury, is scarce credible, though possible; but the continuance of it is very improbable. The first account of the result of the congress at Philadelphia, may reach your lordship the beginning of November. I think it my duty to make this true and faithful representation of the disposition and temper of the people, how disagreeable it may however appear, and to confide in the royal wisdom for the remedy.

Captain Maitland, who on the 18th instant had brought in several chests of tea for merchants in this town, which he had promised the general committee, as it is called, to destroy or carry back, and taken in his load of rice in the mean time, gave great offence to the committee and the people, as the tea was that day landed by the custom-house-officers, and lodged in the King's store-house.

Several hundred men went with great threats in quest of him in the evening, but as they entered his ship on one side, he went off from the other, and took shelter on board his Majesty's ship Glasgow, then in Rebellion Road, and next morning his ship was removed from the wharf by captain Maltby's assistance. Another parcel of tea since arrived, by consent of the committee, is lodged in the King's stores in the same predicament. Although captain Maitland sails first, yet as his ship is heavy laden, I think my account of these matters will reach your lordship soonest by the packet, &c.

Extract of a LETTER from Lieut. Governor Bull to the Earl of Dartmouth, dated Charles Town, 3rd August, 1774.

It having been expected that I should prorogue the general assembly yesterday at the usual time, about ten or eleven o'clock; the assembly privately and punctually met at eight o'clock in the morning, and made a house, which was very uncommon. They had not been assembled five minutes before I was apprized of it. I immediately went to the council chamber in order to prorogue them, and waited a few minutes for one or two of the council to be present. As soon as I sent for the assembly they attended, and I prorogued them to the 6th of September. But their business having been ready prepared, in which they were all previously agreed, it required only a few minutes to pass through the forms of the house. They came to two resolutions, one approving and confirming the election of the five persons, chosen on the 6th of last month, to assist at the congress from the several provinces; and the other, that they would provide for the expence of their voyage. I returned to my own house again in less than twenty minutes past eight. Your lordship will see by this instance, with what perseverance, secrecy, and unanimity, they form and conduct their designs; how obedient the body is to the heads, and how faithful in their secrets.

Extract of a LETTER from Lieut. Governor Bull to the Earl of Dartmouth, dated Charles Town, South Carolina, November 23rd, 1774.

Without giving your lordship the trouble of another letter upon the result of the late congress at Philadelphia, which

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doubtless hath long since reached your lordship's hands; I beg leave only to add, that the disposition of this province, in their political discontents, remain the same; that the people of the province are, in the beginning of next January, again to choose deputies to repair to the Philadelphia congress by the 10th of May; and that I have farther prorogued the general assembly to the 24th of January, before which time we expect to receive some accounts of the measures that shall be adopted by the new parliament relative to American affairs.

Extract of a LETTER from Sir James Wright to the Earl of Dartmouth, dated Savannah, in Georgia, 25th July, 1774.

Our neighbours in Carolina are in great wrath about the acts of parliament which have been passed relative to the Massachuset's Bay government, and have come to some very indecent resolutions, to call them no worse; and, according to custom, have been very busy in sending hand-bills, letters, and public invitations, &c. &c. to stir up the people here to concur with them, and follow their example, and a meeting is to be on Wednesday next. There are, my lord, here, as well as every where else, malecontents and violent liberty people, and I will not answer for their conduct, whether it may not be ungrateful and improper; but as soon as they have come to any resolutions or determinations, I shall not fail to acquaint your lordship therewith.

Extract of a LETTER from Sir James Wright, Bart. to the Earl of Dartmouth, dated Georgia, 13th August, 1774.

I am sorry to acquaint your lordship that there have been two meetings of the liberty folks here, and some resolutions were drawn up yesterday, but not yet published; the particulars of which, and mode of conduct, I shall fully transmit to your lordship as soon as may be.

Extract of a LETTER from Governor Wright to the Earl of Dartmouth, dated Savannah, in Georgia, 24th August, 1774.

In mine of July 25th, No. 23, and August 13th, No. 24, I acquainted your lordship that I should give you a full account of the conduct and proceedings of the liberty people here, as soon as I knew for certain what they did or meant to do; and I mentioned that some papers were preparing, by which I believed it would appear that these resolutions were not the voice of the people, but unfairly and insolently made by a junto of a very few only, but which papers are not yet completed. Every thing, my lord, was done that could be thought of to frustrate their attempt, but this did not totally prevent it. I have been informed of another summons and meeting to be in St. John's parish, on the 30th instant; and, my lord, as long as these kind of summonses and meetings are suffered, a private man take upon him to summons a whole province, to consult upon and redress public grievances, I apprehend there will be nothing but cabals and combinations, and the peace of the province, and minds of the people continually heated, disturbed, and distracted. And the proclamation I issued against them is termed 'arbitrary and oppressive, and an attempt to debar them of their natural and lawful rights and privileges.' In short, my lord, if these calls and meetings are considered as illegal and improper, it will require the interposition of higher authority to remedy the evil, for the executive powers of government in the colonies are too weak to rectify such abuses, and prosecutions would only be laughed at, and no grand jury would find a bill of indictment, and the persons ordering and carrying them on probably insulted and abused.

Extract of a LETTER from Sir James Wright, Bart. to the Earl of Dartmouth, dated Savannah, 13th October, 1774.

My lord; in my letter of the 24th of August, I mentioned that some protests and dissents were preparing in different parts of the province, which were not then completed. These were not sent to town till lately, and only published in yesterday's paper, and which I now inclose; they have been wrote by the people themselves, just in their own way, as your lordship will see by the stile. However, they certainly shew that the sense of the people in this province is against any resolutions, and that those attempted by a few in Savannah are held in contempt.

Extract of a LETTER from Governor Martin to the Earl of Dartmouth, dated Newburn, North Carolina, 1st September, 1774.

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Your lordship will not, I dare say, be surprized to hear that the people of this colony have followed the example of the rest of the continent, in caballing and forming resolutions upon the late measures of government, with regard to the divisions in the colony of the Massachusset's Bay. The readiness with which the intemperate declarations of the Virginia assembly were adopted and re-echoed here, will have shewn your lordship that this people are but of too congenial disposition. What system the other continental assemblies have formed by their committees of correspondence, which your lordship must know have been appointed, I cannot tell, having never understood that their proceedings have transpired more than those of the committee here, of which nothing appears upon the assembly's journal, but the resolves entered into on the first establishment of that committee, and that letters had been received from the committees in the other colonies, the contents of which are held secret. Whatever measures may have been taken, the combination is assuredly at least indecent and inglorious.

The first intimation that I received, except from vague rumour, of the measures lately taken here, was from the inclosed letter of a committee at Wilmington, to the freeholders of Craven county, where my residence is fixed. Whereupon I immediately ordered the council to be summoned, that I might advise with them on the measures proper to be taken to discourage and prevent such unlawful and indecent proceedings. Your lordship will see, by the minutes of that board, herewith transmitted, that on the 12th of last month I laid the letter before them, and that I issued, with their advice, a proclamation, the next day; apprehending however, that under the total inability of government to enforce even what common decorum required, the proposed meeting of deputies at Newburn, the seat of government, that was ultimately agreed to be the place of rendezvous, would be accordingly held, and considering it would be my duty to be at hand, to discourage their proceedings as much as lay in my power, and to take such measures as circumstances should require for the maintenance of order and government, I resolved there to wait until the time of meeting was past, although the very impaired state of my health made it highly expedient to remove, at that season, from so unwholsome a situation, whence, at the very time, I was compelled to send my family to New York, as the only chance of preserving it from destruction.

LETTER from Sir James Wright, Bart. to the Earl of Dartmouth, dated Savannah in Georgia, the 13th of December, 1774.

My lord; I think it my duty to acquaint your lordship, that since the Carolina deputies have returned from the continental congress, as they call it, every means possible have been used to raise a flame again in this province. Those people, it is said, solemnly undertook that this province should accede to the resolves of that congress, and we have been in hot water ever since, and I suppose, the sons of liberty here, stimulated by the Carolinians, will take upon them to pass resolves in the name of the whole province. I shall endeavour as much as possible to prevent it, but the sanction given to rebellion by the resolves and proceedings of that congress, has greatly encouraged the spirit of political enthusiasm, which many were possessed of before, and raised it to such a height of phrenzy, that God knows what the consequences may be, or what man, or whose property may escape their resentment; the only consolation I have, my lord, is, that things cannot continue long in this state, and must come to a point soon: indeed I hope some determination is come to already, or will, before the parliament rises for the holidays. I have, &c. J. WRIGHT.

Extract of a LETTER from the Hon. Governor Gage, to the Earl of Dartmouth, dated Boston, the 26th of December, 1774.

I had the honour to write to your lordship by the opportunity of col. Prescot of the English Fuzileers, who sailed out of this harbour in a transport on the 16th instant, since which time we have received accounts of an attack made by a number of people in New Hampshire, on his Majesty's fort William and Mary in Piscataqua harbour. There has been different reports concerning the transaction, but I transmit your lordship copies and extracts of letters that I have received from governor Wentworth upon the subject. A frigate and sloop of war are now in that harbour, and we have received no accounts of further disturbance since they arrived.

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This congress we have heard had privately appointed a commissary to provide military stores; and news is just come from Worcester in this province, that he or his deputies are providing a stock of provisions at that place.

Copy of a LETTER from Governor Wentworth to Governor Gage, dated Portsmouth, New Hampshire, 14th December, 1774.

Sir; I have the honour to receive your excellency's letter of the 9th instant, with the letter from the secretary of state, which were both delivered to me on Monday evening last by Mr. Whiting. It is with the utmost concern I am called upon by my duty to the King, to communicate to your excellency a most unhappy affair perpetrated here this day.

Yesterday in the afternoon, Paul Revere arrived in this town, express from a committee in Boston to another committee in this town, and delivered his dispatch to Mr. Samuel Cutts, a merchant of this town, who immediately convened the committee of which he is one, and, as I learn, laid it before them. This day about noon, before any suspicions could be had of their intentions, about four hundred men were collected together, and immediately proceeded to his Majesty's castle, William and Mary, at the entrance of this harbour, and forcibly took possession thereof; notwithstanding the best defence that could be made by captain Cochran (whose conduct has been extremely laudable, as your excellency will see by the inclosed letter from him) and by violence carried away upwards of 100 barrels of powder belonging to the King, deposited in the castle. I am informed that expresses have been circulated through the neighbouring towns, to collect a number of people to-morrow, or as soon as possible, to carry away all the cannon and arms belonging to the castle, which they will undoubtedly effect, unless some assistance should arrive from Boston in time to prevent it. This event too plainly proves the imbecility of this government to carry into execution his Majesty's order in council, for seizing and detaining arms and ammunition imported into this province, without some strong ships of war in this harbour: neither is the province or custom-house-treasury in any degree safe, if it should come into the mind of the popular leaders to seize upon them.

The principal persons who took the lead in this enormity are well known. Upon the best information I can obtain, this mischief originates from the publishing the secretary of state's letter, and the King's order in council at Rhode Island, prohibiting the exportation of military stores from Great Britain, and the proceedings in that colony in consequence of it, which have been published here by the forementioned Mr. Revere and the dispatch brought, before which all was perfectly quiet and peaceable here. I am, &c. J. WENTWORTH.

Copy of a LETTER from Captain Cochran, Commander of Fort William and Mary, in New Hampshire, to Governor Wentworth, dated the 14th of December, 1774.

May it please your excellency; I received your excellency's favour of yesterday, and in obedience thereto kept a strict watch all night, and added two men to my usual number, being all I could get. Nothing material occurred till this day one o'clock, when I was informed, there was a number of people coming to take possession of the fort, upon which, having only five effective men with me, I prepared to make the best defence I could, and pointed some guns to those places where I expected they would enter. About three o'clock the fort was beset on all sides by upwards of four hundred men. I told them, on their peril not to enter: they replied they would. I immediately ordered three four pounders to be fired on them, and then the small arms, and before we could be ready to fire again, we were stormed on all quarters, and they immediately secured both me and my men, and kept us prisoners about one hour and a half, during which time they broke open the powder-house, and took all the powder away except one barrel, and having put it into boats, and sent it off, they released me from my confinement. To which can only add, that I did all in my power to defend the fort, but all my efforts could not avail against so great a number. I am, &c. JOHN COCHRAN.

Extract of a LETTER from Governor Wentworth to Governor Gage, dated Portsmouth, New Hampshire, the 16th December, 1774.

On Wednesday last, after 12 o'clock, an insurrection suddenly took place in this town, and immediately proceeded to his Majesty's castle, attacked, overpowered,

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wounded and confined the captain, and thence took away all the King's powder. Yesterday numbers more assembled, and last night brought off many cannons, &c. and about sixty muskets. This day the town is full of armed men who refuse to disperse, but appear determined to complete the dismantling the fortress entirely. Hitherto the people abstain from private or personal injuries; how long they will be so prevailed on, it is impossible to say. —I must sincerely lament the present distractions, which seem to have burst forth by means of a letter from William Cooper to Samuel Cutts, delivered here on Tuesday last P. M. by Paul Revere. I have not time to add further on this melancholy subject.

P. S. The populace threaten to abuse colonel Fenton, because he has to them declared the folly of their conduct, and that he will do his duty as a justice in executing the laws. They will never prevail on him to retract, if all the men in the province attack him. If I had had 200 such men, the castle and all therein would yet have been safe. At this moment the heavy cannon are not carried off, but how soon they may be, I cannot say.

Extract of a LETTER from Lieutenant Governor Colden, to the Earl of Dartmouth, dated New York, 4th January 1775.

My lord; the measures pursued, as well by the southern as eastern provinces, put the moderate and peaceable disposition which prevails among the majority of the people of this province, daily to the trial. Enthusiasm is ever contagious, and when propagated by every artifice, becomes almost irresistible. The assembly of this province, as I formerly informed your lordship, are to meet next Tuesday. If I find that there will not be a majority for prudent measures, I shall incline to prorogue them for a short time, that the plan of the new parliament may be known here, before the assembly do any thing. On the other hand, there is room to fear, that if the assembly do not meet, an attempt will be made to convene a provincial congress, in imitation of our neighbours, which may be of worse consequence. I propose to take the advice of his Majesty's council to-morrow, upon the interesting and important situation of affairs. When all depends upon the humour of the populace, one can only, my lord, form very uncertain conjectures of future measures. I can only say, with certainty, that there is still a good majority of the most respectable people in this place, who promote peace, and discountenance violence.

Extract of a LETTER from the Deputy Governor of Pennsylvania to the Earl of Dartmouth, dated Philadelphia, 31st December, 1774.

I am to inform your lordship, that since my last, the assembly of this province have met, agreeable to their adjournment, and have, to my great surprise, unanimously approved the transactions of the late congress, and appointed deputies to attend another, proposed to be held at this city in May next, as you will perceive by the printed votes, which I inclose for your lordship's fuller information.—There seems to be too general a disposition every where to adhere strictly to the resolutions of the congress, and the committees for this city and the adjacent districts, have already taken upon them to regulate the disposition of all British goods imported since the 1st December. They put up at public auction, in lots, and I am informed it is so managed that they are struck off to the owners at an advance of one per cent. above their first costs and charges, which, according to the recommendation of the congress, is to be applied to the relief of the poor of Boston.

The Clerk having read the Titles of the above Papers,

Mr. *Burke* observed, there were no letters from Maryland, and desired the noble lord would inform the House whether any had been received; or whether they were kept back for political reasons; and whether these papers contained all the intelligence the ministers had received from America.

Lord *North* replied, that he had brought the papers, but had not examined them; neither did he know whether there were any letters from Maryland or not; that if there were any, they should be laid before the House. As to the papers containing all the intelligence from America, he would not undertake to say they did, as those he had brought were extracts, containing only the facts in the original letters; that the authors' opinions were not mentioned, it having been frequently found, that the private opinions of people in office being made public, had been attended with bad consequences, therefore his Majesty's servants had deter-

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mined, for the future, never to mention the private opinion of any person.

Mr. *Burke* said, that in some cases it might be proper to keep secret the private opinion of a person; yet, in so critical and alarming affair as that of America, the opinion of a man in power, on the spot, must be of great service; he therefore was of opinion, that the whole of the information received from America ought to be laid before the House, and not extracts of particular letters, such as suited the minister's purpose.

Lord *North* moved, that the said papers be referred to the consideration of a committee of the whole House, on the 26th.

Lord Chatham's Motion to withdraw the Troops from Boston.] Jan. 20. Lord Dartmouth presented, by his Majesty's command, the Papers relating to the Disturbances in North America. After which,

The Earl of *Chatham* rose.* The following are the outlines of the noble lord's Speech:

His lordship began with censuring an eight weeks delay of communicating these papers, and the continuance of ministers to delude this country, with misrepresentations of the state of the colonies. He shewed, that the sudden dissolution of parliament was upon that principle, of deceiving the people of England; every borough in the kingdom labouring under the old delusion.

There were, he said, two things which ministry laboured to deceive the people in, and had persuaded them to; first, that it was an affair of Boston only, and that the very appearance of one single regiment there, would quiet every thing.

He had foretold the falsehood of both; he was conversant with that country more—more years than perhaps any man; he knew the cause of Boston would be made the cause of America; he knew the mode of the military would not be effectual.

The manner of proceeding against Boston, was a proscription of a people, unheard;—unheard in any court, either in

* The following Report of lord Chatham's celebrated Speech upon this occasion was taken by Mr. Hugh Boyd, and published by him in the year 1779 in a pamphlet, intitled, "Genuine Abstracts of Two "Speeches of the late Earl of Chatham, "with a Preface and Notes." See Miscellaneous Works of Hugh Boyd, vol. 1, pp. 196, 215, 255.

The Earl of *Chatham*, after strongly condemning the dilatoriness of Administration, &c. proceeded as follows:

——"But as I have not the honour of access to his Majesty, I will endeavour to transmit to him, through the constitutional channel of this House, my ideas of America, to rescue him from the misadvice of his present ministers. I congratulate your lordships, that the business is at last entered upon by the noble lord's laying the papers before you. As I suppose your lordships too well apprized of their contents, I hope I am not premature, in submitting to you my present motion:

"'That an humble Address be presented to his Majesty, humbly to desire and beseech his Majesty, that in order to open the way towards a happy settlement of the dangerous troubles in America, by beginning to allay ferments and soften animosities there; and above all, for preventing in the mean time any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army before their eyes, posted in their town; it may graciously please his Majesty that immediate orders be dispatched to general Gage, for removing his Majesty's forces from the town of Boston, as soon as the rigour of the season, and other circumstances indispensable to the safety and accommodation of the said troops, may render the same practicable.'

"I wish, my lords, not to lose a day in this urgent, pressing crisis; an hour now lost in allaying ferments in America, may produce years of calamity: for my own part, I will not desert, for a moment, the conduct of this weighty business, from the first to the last; unless nailed to my bed by the extremity of sickness, I will give it unremitted attention; I will knock at the door of this sleeping and confounded ministry, and will rouse them to a sense of their important danger.

"When I state the importance of the colonies to this country, and the magnitude of danger hanging over this country, from the present plan of mis-administration practised against them, I desire not to be understood to argue for a reciprocity of indulgence between England and America. I contend not for indulgence, but justice to America; and I shall ever contend, that the Americans justly owe obedience to us in a limited degree—they owe obedience to our ordinances of trade and navigation; but let the line be skilfully drawn between the objects of those ordinances, and their private, internal property; let the sacredness of their property remain inviolate; let it be taxable only by their own consent, given in their provincial assemblies, else it will cease to be property. As to the metaphysical refinements, attempting to shew that the Americans are equally free from obedience and commercial restraints, as from taxation for revenue, as

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the common courts of justice, or the higher, of parliament, in both of which, evidence of facts are stated in proof of criminality; but the Americans were denied to be heard: the people of America condemned, and not heard, have a right to resist.

By whose advice vindictive councils were pursued; by whose advice false representations were made; by whose advice malice and ill-will were made principles of governing a free people:—all these are questions that will be asked; he means no personal charge on any man farther than his misdoings call for.

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being unrepresented here, I pronounce them futile, frivolous, and groundless.

"When I urge this measure of recalling the troops from Boston, I urge it on this pressing principle, that it is necessarily preparatory to the restoration of your peace, and the establishment of your prosperity. It will then appear that you are disposed to treat amicably and equitably; and to consider, revise, and repeal, if it should be found necessary, as I affirm it will, those violent acts and declarations which have disseminated confusion throughout your empire.

"Resistance to your acts was necessary as it was just; and your vain declarations of the omnipotence of parliament, and your imperious doctrines of the necessity of submission, will be found equally impotent to convince, or to enslave your fellow-subjects in America, who feel that tyranny, whether ambitioned by an individual part of the legislature, or the bodies who compose it, is equally intolerable to British subjects.

"The means of enforcing this thraldom are found to be as ridiculous and weak in practice, as they are unjust in principle. Indeed I cannot but feel the most anxious sensibility for the situation of general Gage, and the troops under his command; thinking him, as I do, a man of humanity and understanding; and entertaining, as I ever will, the highest respect, the warmest love, for the British troops. Their situation is truly unworthy; penned up—pining in inglorious inactivity. They are an army of impotence. You may call them an army of safety and of guard; but they are in truth an army of impotence and contempt: and, to make the folly equal to the disgrace, they are an army of irritation and vexation.

"But I find a report creeping abroad, that ministers censure general Gage's inactivity: let them censure him—it becomes them—it becomes their justice and their honour. I mean not to censure his inactivity; it is a prudent and necessary inaction: but it is a miserable condition, where disgrace is prudence, and where it is necessary to be contemptible. This tameness, however contemptible, cannot be censured; for the first drop of blood shed in civil and unnatural war might be *immedicabile vulnus*.

"I therefore urge and conjure your lordships, immediately to adopt this conciliating measure. I will pledge myself for its immediately producing conciliatory effects, by its being thus well-timed: but if you delay till your vain hope shall be accomplished, of triumphantly dictating reconciliation, you delay for ever. But, admitting that this hope, which in truth is desperate, should be accomplished, what do you gain by the imposition of your victorious amity?—you will be untrusted and unthanked. Adopt, then, the grace, while you have the opportunity of reconcilement; or at least prepare the way. Allay the ferment prevailing in America, by removing the obnoxious hostile cause—obnoxious and unserviceable; for their merit can be only inaction: *Non dimicare et vincere*,—their victory can never be by exertions. Their force would be most disproportionately exerted against a brave, generous, and united people, with arms in their hands, and courage in their hearts: three millions of people, the genuine descendants of a valiant and pious ancestry, driven to those deserts by the narrow maxims of a superstitious tyranny. And is the spirit of persecution never to be appeased? Are the brave sons of those brave forefathers to inherit their sufferings, as they have inherited their virtues? Are they to sustain the infliction of the most oppressive and unexampled severity, beyond the accounts of history, or description of poetry: '*Rhadamanthus habet durissima regna, castigatque, auditque.*' So says the wisest poet, and perhaps the wisest statesman and politician. But our ministers say, the Americans must not be heard. They have been condemned unheard. The indiscriminate hand of vengeance has lumped together innocent and guilty; with all the formalities of hostility, has blocked up the town (Boston), and reduced to beggary and famine thirty thousand inhabitants.

"But his majesty is advised, that the union in America cannot last. Ministers have more eyes than I, and should have more ears; but with all the information I have been able to procure, I can pronounce it—an union, solid, permanent, and effectual. Ministers may satisfy themselves, and delude the public, with the report of what they call commercial bodies in America. They are not commercial; they are your packers and factors: they live upon nothing—for I call commission nothing. I mean the ministerial authority for this American intelligence; the runners for government, who are paid for their intelligence. But these are not the men, nor this the influence, to be considered in America, when we estimate the firmness of their union. Even to extend the question, and to take in the really mercantile circle, will be totally inadequate to the consideration. Trade indeed increases the wealth and glory of a country; but its real strength

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There ought to be some instant proceeding towards a settlement before the meeting of the delegates; his object was to put his foot on the threshold of peace, to shew an intention of reconciling; he will, unless he is fixed to a sick-bed—he will attend this business throughout, till he sees America obtain what he thinks satisfaction for her injuries; still attentive that it shall own the supremacy of this country.

It would be his advice to his Majesty to

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and stamina are to be looked for among the cultivators of the land: in their simplicity of life is found the simpleness of virtue—the integrity and courage of freedom. These true genuine sons of the earth are invincible: and they surround and hem in the mercantile bodies; even if these bodies, which supposition I totally disclaim, could be supposed disaffected to the cause of liberty. Of this general spirit existing in the British nation; (for so I wish to distinguish the real and genuine Americans from the pseudo-traders I have described)—of this spirit of independence, animating the nation of America, I have the most authentic information. It is not new among them; it is, and has ever been, their established principle, their confirmed persuasion: it is their nature, and their doctrine.

"I remember some years ago, when the repeal of the Stamp Act was in agitation, conversing in a friendly confidence with a person of undoubted respect and authenticity, on that subject; and he assured me with a certainty which his judgment and opportunity gave him, that these were the prevalent and steady principles of America—that you might destroy their towns, and cut them off from the superfluities, perhaps the conveniences of life; but that they were prepared to despise your power, and would not lament their loss, whilst they have—what, my lords?—their woods and their liberty. The name of my authority, if I am called upon, will authenticate the opinion irrefragably. [It was Dr. Franklin.]

"If illegal violences have been, as it is said, committed in America; prepare the way, open the door of possibility, for acknowledgment and satisfaction: but proceed not to such coercion, such proscription; cease your indiscriminate inflictions; amerce not thirty thousand; oppress not three millions, for the fault of forty or fifty individuals. Such severity of injustice must for ever render incurable the wounds you have already given your colonies; you irritate them to unappeasable rancour. What though you march from town to town, and from province to province; though you should be able to enforce a temporary and local submission, which I only suppose, not admit—how shall you be able to secure the obedience of the country you leave behind you in your progress, to grasp the dominion of eighteen hundred miles of continent, populous in numbers, possessing valour, liberty and resistance?

"This resistance to your arbitrary system of taxation might have been foreseen: it was obvious from the nature of things, and of mankind; and above all, from the Whiggish spirit flourishing in that country. The spirit which now resists your taxation in America, is the same which formerly opposed loans, benevolences, and ship-money, in England: the same spirit which called all England on its legs, and by the Bill of Rights vindicated the English constitution: the same spirit which established the great fundamental, essential maxim of your liberties—*that no subject of England shall be taxed but by his own consent.*

"This glorious spirit of Whiggism animates three millions in America; who prefer poverty with liberty, to gilded chains and sordid affluence; and who will die in defence of their rights as men, as freemen. What shall oppose this spirit, aided by the congenial flame glowing in the breasts of every Whig in England, to the amount, I hope, of double the American numbers? Ireland they have to a man. In that country, joined as it is with the cause of colonies, and placed at their head, the distinction I contend for is and must be observed. This country superintends and controuls their trade and navigation; but they tax themselves. And this distinction between external and internal controul is sacred and insurmountable; it is involved in the abstract nature of things. Property is private, individual, absolute. Trade is an extended and complicated consideration: it reaches as far as ships can sail or winds can blow: it is a great and various machine. To regulate the numberless movements of its several parts, and combine them into effect, for the good of the whole, requires the superintending wisdom and energy of the supreme power in the empire. But this supreme power has no effect towards internal taxation; for it does not exist in that relation; there is no such thing, no such idea in this constitution, as a supreme power operating upon property. Let this distinction then remain for ever ascertained; taxation is theirs, commercial regulation is ours. As an American I would recognize to England her supreme right of regulating commerce and navigation: as an Englishman by birth and principle, I recognize to the Americans their supreme unalienable right in their property; a right which they are justified in the defence of to the last extremity. To maintain this principle is the common cause of the Whigs on the other side of the Atlantic, and on this. 'Tis liberty to liberty engaged,' that they will defend themselves, their families, and their country. In this great cause they are immoveably allied: it is the alliance of God and nature—immutable, eternal—fixed as the firmament of heaven.

"To such united force, what force shall be opposed?—What, my lords?—A few regiments in America, and seventeen or eighteen

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end this quarrel, the soonest possible; his repose was their duty; who by misadvice had planted the thorn in his side, by a contest with a people determined on their purpose.

Wishes to offer himself, mean as he is—but he has a plan; a plan of a settlement; solid, honourable, and lasting.

America means only to have safety in property; and personal liberty. Those, and those only were her object; independency was falsely charged on her.

He disclaims all metaphysical distinctions.

The Declaratory Act leaves you a

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thousand men at home!—The idea is too ridiculous to take up a moment of your lordships' time. Nor can such a national and principled union be resisted by the tricks of office, or ministerial manœuvre. Laying of papers on your table, or counting numbers on a division, will not avert or postpone the hour of danger: it must arrive, my lords, unless these fatal acts are done away; it must arrive in all its horrors, and then these boastful ministers, spite of all their confidence, and all their manœuvres, shall be forced to hide their heads. They shall be forced to a disgraceful abandonment of their present measures and principles, which they avow, but cannot defend; measures which they presume to attempt, but cannot hope to effectuate. They cannot, my lords, they cannot stir a step; they have not a move left; they are check-mated.

"But it is not repealing this act of parliament, it is not repealing a piece of parchment, that can restore America to our bosom: you must repeal her fears and her resentments; and you may then hope for her love and gratitude. But now, insulted with an armed force, posted at Boston; irritated with an hostile array before her eyes, her concessions, if you could force them, would be suspicious and insecure; they will be *irato animo;* they will not be the sound honourable passions of freemen, they will be the dictates of fear, and extortions of force. But it is more than evident, that you cannot force them, united as they are, to your unworthy terms of submission—it is impossible: and when I hear general Gage censured for inactivity, I must retort with indignation on those, whose intemperate measures and improvident councils have betrayed him into his present situation. His situation reminds me, my lords, of the answer of a French general in the civil wars of France—Monsieur Condé opposed to Monsieur Turenne: he was asked, how it happened that he did not take his adversary prisoner, as he was often very near him: 'J'ai peur,' replied Condé, very honestly, 'J'ai peur qu'il ne me prenne;' —I'm afraid he'll take me.

"When your lordships look at the papers transmitted us from America; when you consider their decency, firmness, and wisdom, you cannot but respect their cause, and wish to make it your own. For myself, I must declare and avow, that in all my reading and observation—and it has been my favourite study —I have read Thucydides, and have studied and admired the master-states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation, or body of men, can stand in preference to the general Congress at Philadelphia. I trust it is obvious to your lordships, that all attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain, must be fatal. We shall be forced ultimately to retract; let us retract while we can, not when we must. I say we must necessarily undo these violent oppressive acts: they must be repealed—you will repeal them; I pledge myself for it, that you will in the end repeal them; I stake my reputation on it:—I will consent to be taken for an idiot, if they are not finally repealed.—Avoid, then, this humiliating, disgraceful necessity. With a dignity becoming your exalted situation, make the first advances to concord, to peace, and happiness: for that is your true dignity, to act with prudence and justice. That you should first concede, is obvious, from sound and rational policy. Concession comes with better grace and more salutary effect from superior power; it reconciles superiority of power with the feelings of men; and establishes solid confidence on the foundations of affection and gratitude.

"So thought a wise poet and a wise man in political sagacity; the friend of Mecœnas, and the eulogist of Augustus.—To him, the adopted son and successor, the first Cæsar, to him, the master of the world, he wisely urged this conduct of prudence and dignity; '*Tuque prior, tu parce;—projice tela manu.*'

"Every motive, therefore, of justice and of policy, of dignity and of prudence, urges you to allay the ferment in America—by a removal of your troops from Boston—by a repeal of your acts of parliament—and by demonstration of amicable dispositions towards your colonies. On the other hand, every danger and every hazard impend, to deter you from perseverance in your present ruinous measures.—Foreign war hanging over your heads by a slight and brittle thread: France and Spain watching your conduct, and waiting for the maturity of your errors;—with a vigilant eye to America, and the temper of your colonies, more than to their own concerns, be they what they may.

"To conclude, my lords; if the ministers thus persevere in misadvising and misleading the King, I will not say, that they can alienate the affections of his subjects from his crown; but I will affirm, that they will make the crown not worth his wearing—I will not say that the King is betrayed; but I will pronounce,—that the kingdom is undone."

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right to take their money when you please.

He means to meddle with no man's opinion; and leaving all men to follow the plan of their own opinions of former professions, his plan is to establish for the American an unequivocal, express right of not having his property taken from him but by his own assembly.

Eight weeks delay admits no further hesitation, no not of a moment; the thing may be over; a drop of blood renders it *immedicabile vulnus.*

Whether it can ever now be a true reconciliation, must be owing to the full compensation that America shall receive. Repeal the mutual ill-will that subsists, for it is not the repeal of a little act of parliament that will work peace. Will the repeal of a bit of parchment avail? Will, think you, three millions of people in arms be satisfied by such a repeal? It must be a repeal on a principle of justice. There must be no procrastination; you are to a moment—now—instantaneously: —every hour, that a beginning is not made towards softening, towards healing! the very news of which might work wonders—endangers the fixed liberty of America, and the honour of the mother country.

The success and permanent effect of the best measures may arise from mutual good-will.

His motion is part of a plan; and he begins with a proof of good-will.—His motion is "to address the King to remove the forces from the town of Boston."

His lordship was lavish in his praise of the congress, as more wise and more prudent than the meeting of ancient Greece. He mentioned Thucydides, with "your lordships have read Thucydides;" he mentions nothing of ancient story more honourable, more respectable, than this despised meeting.

The congress is treated harshly. He wishes we would imitate their temper;—firm indeed, if you please—but that congress was conducted with temper and moderation. I wish our House of Commons as freely and uncorruptly chosen.

The proceedings from hence arose from ignorance of the circumstances of that country. The idea of coercion by troops, where they were not the natural resource, was wanton and idle.

Anger was your motive in all you did —"What! shall America presume to be free?—don't hear them, chastise them." This was your language, *castigatque auditque*—the severest judge, though he chastises, also hears the party.

All the mischief has arisen from your anger; from your not adapting your means to your ends; troops and violence were ill means to answer the ends of peace.

I understand government is not altogether satisfied with the commander of your troops; he has not been quick enough to shed blood; his moderation is ridiculed; but I know that gentleman, an officer of long service, has acted prudently; it was want of wisdom to place an army there—I have heard of armies of observation, but this is an army of irritation.

In the civil war of Paris, where those great men, the prince of Condé, and marshal Turenne, commanded the two parties—marshal Turenne was said often to have been near the prince.—The queen was angry; she did not see why, when he was so near the prince, he should not take him; she was offended, and with some anger asked, "Quand vous étiez si près, pourquoi n'avez-vous pas pris le prince?" That great officer, who knew his business, answered coolly, "J'avois peur, Madame, qu'il ne m'eût pris."

The ministry tell you, that the Americans will not abide by the congress; they are tired of the association;—true, many of the merchants may be—but it does not now depend on the merchants; nor do the accounts come even from the principal merchants; but from the runners for ministry. But were the dissatisfaction among the merchants ever so large, the account is no way conformable to the nature of America.

The nation of America, who have the virtues of the people they sprung from, will not be slaves. Their language is, If trade and slavery are companions, we quit the trade; let trade and slavery go where they will, they are not for us.

Your anger represents them as refractory and ungrateful, in not submitting to the parent they sprung from; but they are in truth grown an accession of strength to this country; they know their importance; they wish to continue their utility to you; but though they may be sick of the association, those sons of the earth will never be dissuaded from their association.

After the repeal of the Stamp Act, two years after, I was in the country an hundred miles off; a gentleman who knew the country, told me, that if regiments had landed at that time, and ships had been

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sent to destroy the towns, they had come to a resolution to retire back into the country.—It is a fact—a noble lord smiles; if I were to mention the gentleman's name, it would not increase his smile.

I wish the young gentlemen of our time would imitate those Americans that are misrepresented to them; I wish they would imitate their frugality; I wish they would imitate that liberty which the Americans love better than life; imitate that courage which a love of liberty produces.

One word more. I will send my plan, if the state of a miserable constitution stretches me on a sick-bed. It is to put an end to the quarrel. "What, before you know whether they will come to terms?" Yes, let my expectations be what they will, I should recall the troops; it partakes of a nullity to accept submission under the influence of arms.

I foretel, "these bills must be repealed;" —I submit to be called an ideot if they are not;—three millions of men ready to arm, and talk of forcing them!

There may be dangerous men and dangerous councils, who would instil bad doctrines; advise the enslaving of America; they might not endanger the crown perhaps, but they would render it not worth the wearing.

The cause of America is allied to every true Whig. They will not bear the enslaving America. Some Whigs may love their fortunes better than their principles; but the body of Whigs will join; they will not enslave America. The whole Irish nation, all the true English Whigs, the whole nation of America, these combined make many millions of Whigs, averse to the system. France has her full attention upon you; war is at your door; carrying a question here, will not save your country in such extremities.

This being the state of things, my advice is, to proceed to allay heats; I would at the instant begin, and do something towards allaying and softening resentment.

My motion, you see, respects the army, and their dangerous situation. Not to undervalue general Gage, who has served with credit,—he acts upon his instructions; if he has not been alert enough to shed blood;

"Non dimicare quam vincere maluit,"

And he judged well. The Americans too have acted with a prudence and moderation, that had been worthy of our imitation were we wise;—to their moderation it is owing, that our troops have so long remained in safety.

Mal-administration has run its line—it has not a move left—it is a check-mate.

Forty thousand men are not adequate to the idea of subduing them to your taxation. Taxation exists only in representation; take them to your heart, who knows what their generosity may effect?

I am not to be understood as meaning a naked, unconditional repeal; no, I would maintain the superiority of this country at all events.

But you are anxious who shall disarm first. That great poet, and perhaps a wiser and greater politician than ever he was a poet, has given you wisest counsel; follow it,

"Tuque prior, tu parce; genus qui ducis Olympo.
Projice tela manu."

Who is the man who will own this system of force as practicable?

He then censured the folly of pursuing a system that was owned to be impracticable, and concluded with moving, "That an humble Address be presented to his Majesty, most humbly to advise and beseech his Majesty, that, in order to open the ways towards an happy settlement of the dangerous troubles in America, by beginning to allay ferments and soften animosities there; and, above all, for preventing in the mean time, any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army before their eyes, posted in their town, it may graciously please his Majesty, that immediate orders may be dispatched to general Gage for removing his Majesty's forces from the town of Boston, as soon as the rigour of the season, and other circumstances indispensable to the safety and accommodation of the said troops may render the same practicable."

The Earl of *Suffolk* condemned the conduct of the Americans in the most determined and unreserved terms. He complimented the noble earl on his great abilities, but begged leave to pronounce him mistaken, in almost every position he laid down; and thought it extremely improper, considering the present alarming state of America, to cause divisions, and, by so doing, to weaken the force of the parent state. He observed, that the noble earl had animadverted severely on those who had, or were supposed to have advised the measure of dissolving the parliament; and had likewise thrown out some

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insinuations, directed against the supposed authors of the present intentions of administration. As to the first, he avowed himself to be one of the principal advisers, as he looked upon it, nay foresaw from the beginning, that all the steps taken by the Americans, in congress and elsewhere, would be to influence the general election by creating jealousies, fears, and prejudices among the mercantile and trading part of the nation; that he was happy the ideas he espoused had prevailed, by which means those sinister designs were prevented from taking effect; that he was happy to find his conjectures right, and to perceive that those designs were defeated; and that an improper influence, originating whence it might, or in whatever manner, made very little difference. As to the point of advice, in relation to coercive measures, he very frankly declared himself to be equally strenuous: for all conciliating means having proved ineffectual, he thought it high time for the mother country to exert her authority, or for ever relinquish it. If the task be difficult now, what must it be in a few years time? Parliament must be obeyed, or it must not; if it be obeyed, then who shall resist its determinations? If it be not, then we may as well at once give up every claim of authority over America. I should scorn, (said he) to be present in this House, and sit still without freely declaring my sentiments: I should scorn to continue one of his Majesty's ministers, and not advise coercive measures, when I was so firmly and fully convinced of their necessity; and I take a particular pride in avowing those sentiments; and mean steadily to abide by them at all events. His lordship then proceeded to comment on the proceedings of the congress, in relation to their disapprobation of certain acts of parliament, particularly the four or five last adverted to at that meeting. He defended them all, and contended, that the Boston Port Bill, if the obstinacy of the Bostonians had not prevented it, would have executed itself, as a satisfaction for the *dédommagement* done to the East India Company, would have at once put the port of Boston on its former footing, and have of course made an opening for a complete reconciliation. He insisted strongly that the mother country should never relax till America confessed her supremacy; and that as soon as America had dutifully complied, she would meet with every indulgence consistent with the real interest of both countries; but that any concession on our parts, till the right on which all our pretensions were founded, was allowed, would be to the last degree impolitic, pusillanimous, and absurd. He supposed, he said, that the noble earl would be alone in his opinion, that this country had not the right to tax America. The right implied, according to him, the necessity of the exercise of it. He thought it a duty incumbent on administration to pursue their object of subduing the refractory rebellious Americans; and avowed the ministerial resolution of enforcing obedience by arms.

The Earl of *Shelburne* began with renouncing all personal engagements whatever; and solemnly declared, that he adopted the sentiments of the noble earl (of Chatham,) solely on account of their wisdom, justice, and propriety. He said, the specious language of the supremacy of the British legislature, the interests of Great Britain, of her authority over the colonies, &c. was artfully held out to delude and deceive both parliament and people: it was intended to operate on every degree of men: the very cobler is, he said, swelled up with his own importance, as being a party in a contest with those on the other side, who are as artfully represented to be ready to throw off all obedience; who are described to be traitors, vagabonds, and rebels, guilty of the most flagrant baseness and ingratitude. But surely there is not a noble lord within these walls, there is not a man without, who does not instantly perceive the notorious fallacy of such a misrepresentation. No man can be at a loss to know, that a majority of both Houses, however constituted, are the nation; that that majority is led and directed by an administration consisting of four or five persons; and those again, by one man. Let us, therefore, hear no more of the people, the parliament, or Great Britain; but consider the issue as simply depending between the parties thus described, between administration on one side, and all America on the other. He then proceeded to animadvert on the several Acts of the last session respecting America; and contended without reserve, that the Boston Port Bill did not execute itself, nor was ever meant so to do; for supposing the *dédommagement* to be repaired, and the injury sustained by the East India Company compensated, what did the Act say? Why, that when his Majesty should think the Bostonians had returned to their obedience, and peace

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and good government fully established, his Majesty might open the port on such conditions as he thought proper; and appoint such places for the landing and shipping of goods within the said port and harbour as he pleased. Here he highly arraigned the unconstitutional policy which dictated that part of the Act, and wantonly lodged a power in the King and council, which parliament, if it regarded its own honour, should have never parted with. He condemned, in general, the madness, injustice, and infatuation of coercing the Americans into a blind and servile submission; and repeated, what had been been received in the most ludicrous manner, on a former occasion, that a tipstaff would execute the Acts better than a military force consisting of 100,000 men.

Lord *Lyttelton* set out with complimenting the noble earl, who spoke first in the debate, on his great political wisdom, his extensive talents, and the fruits of both, the glorious successes of the late war, which must deservedly crown him with immortal laurels. He grounded his arguments chiefly on the legislative supremacy of the British parliament. He ridiculed the absurd idea of an inactive right, when there was the most apparent and urgent necessity for exercising it. It would be madness in the extreme, not directly to assert, or for ever relinquish it. He could not at all agree with the noble earl in his encomiums on the continental congress; for so far from applauding their wisdom, &c. he contended that the whole of their deliberations and proceedings breathed the spirit of unconstitutional independency and open rebellion. His lordship pointed to the particular language of some of their resolutions; and endeavoured to prove, that if Great Britain should give way on the present occasion, from mistaken motives of present advantages in trade, commerce, &c. such a concession would inevitably defeat its own object; for it was plain, that the Navigation Act, and all other regulatory Acts, which formed the great basis on which those advantages rested, and the true interests of both countries depended, would fall a victim to the interested and ambitious views of America. Now, therefore, was the time to assert the authority of Great Britain, for if we did not, he had not a single doubt but every concession on our side would produce a new demand on theirs; and in the end, bring about that state of traitorous independency, at which it was too plain they were now aiming. He lamented the disgraceful miserable state of the troops under general Gage, daily crumbling away with sickness and desertion, destitute of covering and sustenance, and, what was much worse, their spirits broken and themselves disheartened with the insolent taunts and repeated provocations of a rebellious surrounding rabble. He reflected severely on the conduct of those, that put him and kept him in so disgraceful a situation. He said, he should be glad to know by what secret power or over-ruling influence the wishes of parliament had been defeated. On the other hand, if it was from that gentleman's own suggestions he acted, he freely declared, that however prevalent it might be, from every side of the House, to bestow encomiums on him, he must continue to think his conduct extremely reprehensible, and deserving of censure. His lordship disclaimed all personal connection with administration. He said he supported them, because he imagined and believed them to be right.

Lord *Camden* said he would not enter into the large field of discussion, or collateral reasoning, applicable to the abstruse and metaphysical distinctions necessary to the investigation of the omnipotence of parliament; but this he would venture to assert, that the natural right of mankind and the immutable laws of justice, were clearly in favour of the Americans. He observed that great stress had been laid on the legislative supremacy of Great Britain; and as far as the doctrine was directed to its proper objects, it was a just one; but it was no less true in fact, that consonant to all the reasonings of all the speculative writers on government, that no man, either agreeable to the true principles of natural or civil liberty, could be divested of any part of his property without his own consent. He pledged himself, at a proper time, to prove that the law of England did not give the right, claimed by parliament, to tax America. That no book or record expressed such right; that he could not tell where to look for it; that he consulted law and history, and his search was equally fruitless in both. In what king's reign, he asked, could it be found? Was it in the old times, before our colonies existed; or when? He said that in the time of Charles the 1st, when that great constitutional lawyer Mr. Selden was pressed to declare on what legal grounds resistance was justi-

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fiable, he replied it was by the custom of England, and that was part of the law of the land. And concluded by referring to the works of judge Blackstone, where avoiding to state the rule, when resistance is justifiable, he lays down the Revolution as the only precedent; but adds, though the various circumstances and incidents, which may justify resistance, cannot be exactly defined, it is plain, the people at large, who possess the original rights necessary to their own happiness and preservation, have the same right to recall it, whenever the power and authority, thus delegated by them, has been abused, and manifestly employed to their own ruin and destruction.

The Earl of *Chatham*, in reply, observed, that if the noble lord (Lyttelton) who suggested, that the views of America were ultimately pointed to the defeating the Act of Navigation, and the other regulatory Acts, so wisely framed and calculated for that reciprocity of interests, so essentially necessary to the grandeur and prosperity of the whole empire, was right, there was no person present, however zealous, would be readier than himself, to resist and crush any attempt of that nature in the first instance; but to come at any certain knowledge of their real sentiments, it would be proper first to do them justice; to treat them like subjects, before they were condemned as aliens, or traitors. He entirely acquiesced in the sentiments of his noble friend (lord Camden), that the present was not a subject proper for nice, metaphysical discussion; that property was a simple subject, distinct and unconnected with the variously complex ideas in which other questions relative to policy were inevitably involved; that he still remained, and ever should continue of opinion, that the right which God, and nature, and the constitution, had given a British subject to his property, was invariably inalienable, without his own consent; and that no power under heaven could touch it without that consent, either implied, or expressly and directly given. He treated the idea of taxation, being included in legislation, in the most ludicrous terms. He contended, that they were two operations in our constitution totally distinct and foreign to each other; that the latter plainly originated from the power vested in the legislative great council, to controul, direct, and watch over the interests of the whole society, by way of regulation and coercion, for the common benefit, while the former was inseparably connected with property, and must for ever suit itself to the true nature and disposition of property in general.

Lord *Townshend* desired several Acts of his present Majesty might be read. He endeavoured to prove that some of them were nearly connected with the Act of Navigation passed in the reign of Charles the 2nd. The resolutions of the American congress condemning those Acts, shewed, he said, that the views of America are not confined to the redress of grievances, real or imaginary, but are immediately directed to the total overthrow of that great palladium of British commerce, the Act of Navigation. The question was not now barely a question of revenue; but whether that great commercial system, on which the strength and prosperity of Great Britain, and the mutual interests of both countries, vitally depended, should be destroyed, in order to gratify the foolishly ambitious temper of a turbulent ungrateful people. He contended strongly if concessions of that nature were to be made, restrictions taken off, and trade allowed to flow, in what was called its natural channels, Ireland, who helped to man our fleets and armies; who had contributed so generously and freely to the common support; who had so cheerfully assisted in alleviating our burthens; was much better entitled to it than America.

The Earl of *Rochford* was for firm and decisive measures. To retreat, he insisted, was to be vanquished: and condemned those who were for conceding at this critical juncture. The unity of the British empire should, in his opinion, supersede every inferior consideration, because on that its prosperity, stability and external grandeur immediately depended. He disclaimed, in the name of the King's ministers, all imputations and insinuations thrown out by a noble lord. He said he believed the general was as little censurable as they were, and that it was next to impossible to decide on that gentleman's conduct at so great a distance, and without knowing the motives that led to it.

Earl *Gower* was well informed, that the language now held by the Americans, was the language of the rabble and a few factious leaders; that the delegates at the congress, were far from expressing the true sense of the respectable part of their constituents; that in many places they were chosen by a kind of force, in which the people of consequence were afraid, un-

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protected as they were, to interpose; and where it was otherwise, they were borne down by faction in some instances, and perverted by the most false misrepresentations in others; that taking it in either light, the measures proper to be pursued by Great Britain were plain, and did not admit of the least controversy; for either, said his lordship, they are disposed as I have now represented, or they are not: if they are, they deserve our utmost protection; if they are not, we should exert and strain every nerve to make them submit. I have all along been of that opinion. I now avow it; and be the event what it may, I never mean to shrink from the consequences of an advice which I am proud to own.

The Marquis of *Rockingham* observed, that as ministry had avowed an intention of sending out more troops to Boston, and as that was a measure totally repugnant to his plan of reconciliation, he was glad of an opportunity of resisting that mischievous and dangerous design of governing the colonies by force. He said that the troops which had so idly been sent thither, were by their instructions left in so disgraceful a state, that he wished them recalled with the utmost possible dispatch; and consequently he must be averse to the designs administration entertained, of further exposing our troops to shame and disgrace; and of course he joined the motion for their recall. He expressed pretty strongly his adherence to his old opinion of the propriety of the Declaratory Act, which he seemed to consider as necessary to the dominion of this country, and no way hurtful to the freedom of America; but he reserved himself to a more proper season for debating that principle, only insisting that the congress had expressed no dissatisfaction with the Declaratory Act; and he thought it needless to give them more than they desired.

The Duke of *Richmond* supported lord Chatham's motion with firmness, and answered his adversaries with accuracy and precision. He contrasted very happily the stubborness of ministry in refusing to have the least feeling for the miseries and complaints of British subjects, while they were all awake and full of attention to the most arrogant expectations of foreign powers; and then mentioned the fact stated by count de Guines in his Memorial, that the English ministry, in the question of the Falkland Islands, had agreed to disarm first.

The Earl of *Rochford* declared, that upon his honour and conscience, he believed count de Guines innocent of the infamous charge laid against him; that as to disarming first, the count was mistaken; for that long before he (lord Rochford) had made the proposal of disarming, he had received a letter from lord Harcourt, informing him, that the French had began to disarm; that the proposal he made about disarming, was to do it reciprocally, at a given time; that the object of the armament being at an end, form was not necessary as to the period of disarming, more especially, as from all his advices from the King's ministers abroad, both the French and Spaniards had first began to disarm.

Lord *Weymouth* opposed the motion. He was for sending troops to America; but held himself disengaged from co-operating with administration, till he was fully acquainted with the whole train of measures they proposed to adopt, digested into one perfect system; adding, that in his present state of mind, and want of proper knowledge, he did not know if he should even be for augmenting the present military force under general Gage.

The House divided; 18 contents, and 68 non-contents. The minority were, Dukes of Cumberland, Richmond, Portland, Manchester. Marquis of Rockingham. Earls Thanet, Abingdon, Fitzwilliam, Tankerville, Stanhope, Spencer, Chatham. Bishop of Exeter. Lords Camden, Wycombe, Ponsonby, Soudes, Grosvenor.

Debate in the Commons on the Petitions of the Merchants of London and Bristol for Reconciliation with America.] Jan. 23. Mr. Alderman *Hayley* said he had a petition from the merchants of the city of London concerned in the commerce to North-America, to that honourable House, and desired leave to present the same, which being given, it was brought up and read, setting forth;

"That the petitioners are all essentially interested in the trade to North-America, either as exporters and importers, or as venders of British and foreign goods for exportation to that country; and that the petitioners have exported, or sold for exportation, to the British colonies in North-America, very large quantities of the manufacture of Great Britain and Ireland, and in particular the staple articles of woollen, iron, and linen, also those of

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cotton, silk, leather, pewter, tin, copper, and brass, with almost every British manufacture; also large quantities of foreign linens and other articles imported into these kingdoms, from Flanders, Holland, Germany, the East Countries, Portugal, Spain, and Italy, which are generally received from those countries in return for British manufactures; and that the petitioners have likewise exported, or sold for exportation, great quantities of the various species of goods imported into this kingdom from the East-Indies, part of which receive additional manufacture in Great Britain; and that the petitioners receive returns from North-America to this kingdom directly, viz. pig and bar iron, timber, staves, naval stores, tobacco, rice, indico, deer and other skins, beaver and furs, train oil, whalebone, bees wax, pot and pearl ashes, drugs, and dying woods, with some bullion, and also wheat flour, Indian corn and salted provisions, when, on account of scarcity in Great Britain, those articles are permitted to be imported; and that the petitioners receive returns circuitously from Ireland (for flax seed, &c. exported from North America) by bills of exchange on the merchants of this city trading to Ireland, for the proceeds of linens, &c. imported into these kingdoms from the West Indies; in return for provisions, lumber and cattle, exported from North America, for the use and support of the West India islands, by bills of exchange on the West India merchants, for the proceeds of sugar, molasses, rum, cotton, coffee, or other produce, imported from those islands into these kingdoms; from Italy, Spain, Portugal, France, Flanders, Germany, Holland, and the East Countries, by bills of exchange or bullion in return for wheat flour, rice, Indian corn, fish, and lumber, exported from the British colonies in North America, for the use of those countries; and that the petitioners have great reason to believe, from the best informations they can obtain, that on the balance of this extensive commerce, there is now due from the colonies in North America, to the said city only, 2,000,000*l.* sterling, and upwards; and that, by the direct commerce with the colonies, and the circuitous trade thereon depending, some thousands of ships and vessels are employed, and many thousands of seamen are bred and maintained, thereby encreasing the naval strength and power of Great Britain; and that, in the year 1765, there was a great stagnation of the commerce between Great Britain and her colonies, in consequence of an Act for granting and applying certain stamp-duties, and other duties, in the British colonies and plantations in America, by which the merchants trading to North America, and the artificers employed in the various manufactures consumed in those countries, were subjected to many hardships; and that, in the following year, the said Act was repealed, under an express declaration of the legislature, that the continuance of the said Act would be attended with many inconveniences, and might be productive of consequences greatly detrimental to the commercial interests of these kingdoms; upon which repeal, the trade to the British colonies immediately resumed its former flourishing state; and that in the year 1767, an Act passed for granting certain duties in the British colonies and plantations in America, which imposed certain duties, to be paid in America, on tea, glass, red and white lead, painters' colours, paper, paste-board, mill-board, and scale-board, when the commerce with the colonies was again interrupted; and that in the year 1770, such parts of the said Act as imposed duties on glass, red and white lead, painters' colours, paper, paste-board, mill-board, and scale-board, were repealed, when the trade to America soon revived, except in the article of tea, on which a duty was continued, to be demanded on its importation into America, whereby that branch of our commerce was nearly lost; and that, in the year 1773, an Act passed, to allow a drawback of the duties of customs on the exportation of tea to his Majesty's colonies or plantations in America, and to empower the commissioners of the Treasury to grant licences to the East India Company, to export tea, duty free; and by the operations of those and other laws, the minds of his Majesty's subjects in the British colonies have been greatly disquieted, a total stop is now put to the export trade with the greatest and most important part of North America, the public revenue is threatened with a large and fatal diminution, the petitioners with grievous distress, and thousands of industrious artificers and manufacturers with utter ruin; under these alarming circumstances, the petitioners receive no small comfort, from a persuasion that the representatives of the people, newly delegated to the most important of all trusts, will

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take the whole of these weighty matters into their most serious consideration; and therefore praying the House, that they will enter into a full and immediate examination of that system of commercial policy, which was formerly adopted, and uniformly maintained, to the happiness and advantage of both countries, and will apply such healing remedies as can alone restore and establish the commerce between Great Britain and her colonies on a permanent foundation; and that the petitioners may be heard by themselves, or agents, in support of the said petition."

Mr. Alderman *Hayley* expressed his wishes for a speedy reconciliation with America, and moved, "That the said Petition be referred to the consideration of the committee of the whole House, to whom it is referred to consider of the several papers which were presented to the House, by the lord North, upon Thursday last, by his Majesty's command, and that the petitioners be admitted to be heard by themselves or agents, before the said committee, upon the said petition, if they think fit."

Sir *W. Meredith* said, that as the worthy alderman, whose rank stands so high, and whose character is so honourably distinguished in the list of merchants, had expressed his wishes not only for a reconciliation, but for a speedy reconciliation with America, he submitted to his judgment, whether a speedy reconciliation was practicable or consistent with such a length of enquiry as his motion led to; that of all the evils American merchants now suffer, suspense is the greatest; that he trusted the committee already appointed would make the removal of that suspense the first object of their consideration and their care; at least he hoped, that the hands of government might not be tied up, nor the powers of parliament restrained from giving that speedy relief which the pressure of affairs requires; that there is still some hope left, that the flames in America may be quenched, if proper and effectual means are speedily applied; but the task will every hour become more and more difficult, and if protracted to the long period, which the proposed enquiry may lead to, impracticable. He should be very sorry to take upon himself the consequences of exposing the situations of private merchants to public view, especially at this juncture; but, if they really desired an enquiry into their affairs, he himself would give his time, his labour, and every possible assistance to it; but hoped, such an enquiry might not be made use of to defeat every good intention, and clog every salutary measure that might be proposed in the present committee; he should therefore recommend it to the House to appoint a separate committee for the consideration of the merchants' petition, and for that purpose move an Amendment, to leave out, between the word 'of' and the word 'committee,' the word 'the,' and insert 'a' instead thereof; and to leave out the words 'to whom it is referred to consider of the several papers which were presented to the House by the lord North, upon Thursday last, by his Majesty's command.'

Mr. *Burke* was glad to hear the right hon. gentleman talk of a speedy reconciliation, and therefore must conclude that the price of his bargain with the minister when he went over to his party, was a speedy reconciliation; yet at the same time he was sorry to see how knavish the noble lord had been, for instead of putting into his hand the reconciliatory measures, he had slipped into his hand a wand, which wand was now become one of the main pillars of administration. He proceeded to shew how materially the trade and commerce with America ought to be considered before any decisive steps were taken, and declared himself totally ignorant that the committee appointed for the 26th, were to take into consideration the papers only which lay on the table; he insisted that every information possible would add to the dispatch, and not to the delay of a reconciliation; that as the noble lord (North) had denied them the opinions of persons on the spot, the committee could not receive more material information than from the merchants trading thither, who were greatly interested in the welfare of the colonies; that if there was not time sufficient to settle the American business, was not the noble lord in fault in adjourning a month to eat mince pies and drink Christmas ale, when so material a question was depending? He called the proposed committee a Coventry Committee, in allusion to a well known practice, by which a troublesome person is voted to be sent to Coventry, whereby, without turning him out of company, he is wholly excluded from all attention; he may be ridiculed and laughed at, and cannot interfere in his own defence. He also called it a Committee of Oblivion, consigning every thing the merchants could

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allege to entire oblivion. He congratulated the minister on such a friend as sir William; the merchants on such an able and powerful advocate; the cabinet on such a counsellor; the right hon. gentleman himself on such a patron; and the King and parliament on the happiness of having so respectable a person in a situation to reciprocally impart the desires and wishes of either party to each other. He prophesied the most salutary effects from so happy a beginning. He compared the right hon. gentleman to Sampson, and the ministers, and the friends of the Declaratory Act and all the revenue Acts, to the Philistines; and supposed himself to be involved in the ruin, which must follow from pulling down the pillars which had supported the system of destructive policy and oppression, which the right hon. gentleman contended ought to have been resisted. In a word, he turned, twisted, metamorphosed, and represented every thing which the right hon. gentleman had advanced into so many ridiculous forms, that the House was kept in a continued roar of laughter.

Sir *Gilbert Elliot* replied to Mr. Burke, and ironically complimented him; but begged leave to differ from him, as to the matter in debate. He observed, that the committee appointed for the 26th, was intended to consider of the papers, in order to come to some speedy resolution, suited to the dignity of parliament, and the present situation of affairs in America; that the great variety of facts, and mass of matter, which would come of course under consideration in the committee, to which the petition must be referred, would be a work of great and laborious toil; and that the views and objects of the enquiry, originating with the papers, and the petition being totally distinct in their nature, the determinations and execution arising from both must be different.

Mr. *T. Townshend* contended, that it would be fairer and more manly to reject the petition at once, than thus endeavour to defeat it; that the pretence of appointing a committee was but a mere evasion; and that, indeed, as much had been already avowed by the right hon. member who proposed the amendment, who pointed out so late as the month of June before it could be supposed capable of determining or coming to any resolution.

Lord *Clare* was for not submitting to the Americans in the least, and ridiculed the opinion of those who said we had a right to tax America, yet ought not to exercise it. He was warmly for the amendment. He said, if we were resolved to sacrifice the supremacy of parliament, he would much readier consent to it on any other ground than that which the present petition would lead to, as this would be an inexhaustible source of applications of the same nature; for whenever the Americans had any point to gain, let it be ever so unreasonable, all they had to do was to refuse to pay their debts, to threaten to stop all commercial intercourse with us, and their business would be done: if therefore we were to submit, let us fairly give up the point at once; let us sooner even become their vassals, than remain open to demands which could have no bounds, and must be irresistible, when they were brought forward in the present form.

Mr. *Charles Fox*, in favour of the Americans, repeatedly called on lord North to know who was the man that advised the late Acts, for it was he who had created the disturbances, it was he who had placed general Gage and his troops in the ridiculous situation in which they were, and it was he who ought to answer to his country for the mischief and expence that might ensue. He attacked the minister violently; pointed out his delays before Christmas, and his speed after: he said, the committee meant no more than a mere farce, to delude the merchants, as he was certain nothing serious was intended.

Lord *J. Cavendish* was for the petition being heard with the papers, and condemned lord North for his behaviour in bringing in estimates at the beginning of the session, before he knew the expence which would be necessary; that it was a deceit to the country gentlemen, who retired into the country satisfied with the estimate at first, and who never imagined there would be any further sum required: that the noble lord was pressed, and ought to have laid before the House the papers before the holidays, as he was desired.

Lord *North* defended the delay before the holidays chiefly on two grounds: first, for want of necessary information; secondly, because he understood from several persons, who pretended to know it, that the address from the continental congress to the King, was of that conciliatory nature as to make way for healing, lenient measures. As to the question before the House, besides repeating the very great delays which the matters contained in the

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petition would probably occasion, it could not, with the least colour of propriety, be considered with the papers; one being simply an object of commerce, the other clearly a matter of policy. He said, his reason for not laying the papers before the House sooner was, on account of what the Americans called a congress, but what he called an illegal and reprehensible meeting, not being finished; and that he was informed a petition would be sent from them to the throne, which would reconcile all matters in an amicable manner.

Sir *George Macartney* was severe against the Petition, though, he said, he wished to be thought a friend to so respectable a body as the petitioners: petitions were generally framed, he said, and brought about by some interested persons who had artifice enough to induce others to sign them.

Captain *Luttrell*. I have listened with attention to this debate, in hopes of receiving such instruction as might enable me to judge which way of acting will be most conducive to the welfare of America and this country. Sir, I am sorry to find such a variety of opinions prevail amongst us, as makes it very difficult to determine what measures are likely to prove the most salutary; but being neither willing to be led astray by the oratory of one man, or the party zeal of another, I feel a wish to consider this petition on the day moved for, and to pursue an opinion I have adopted from my own personal knowledge of the Americans, their country, and their coasts. Sir, that the colonies are inseparably united to the imperial crown of this realm, I trust will never be denied by the friends of either clime; but though it has been asserted, America can subsist without our commerce, I believe nobody will say, she can flourish without our protection. If we abandon her to her present miserable situation, she must soon sue to us or to some other power for succour. Insecure in their lives and properties, the Americans must, ere long, experience the fatal consequences of being exposed to the depredations of marauders and lawless ruffians; they will soon cry aloud for the re-establishment of those judicial authorities that have been imprudently overturned, and which are necessary, not only to the welfare, but to the very existence of the subject, among the rudest nations of the globe. Sir, I fear, indeed, the Americans at this hour cannot properly be styled the most civilized people in the known world; but an unfortunate fatality seems to have awaited that unhappy country for a series of years past. The late war was scarce at an end, before you put a total stop to their trade with the Spanish West Indies. 'Tis true, it was, strictly speaking, illicit, but it was very beneficial to them, for from thence they got their specie. Then, Sir, as if you meant to add insult to bad policy, no sooner had you deprived them of the means of assisting you, but you ungenerously imposed the right of taxation. Sir, if such a power is vested in the British parliament, I think you have mistaken the season to exercise it; but I never can consider that we, who are many of us strangers to the resources of that country and its produce, are competent judges which of their commodities can best bear the burden of taxation. Sir, those that are acquainted with America know as well as I do, that from Rhode Island northwards they have no money; that their trade is generally carried on by barter, from the most opulent merchant to the necessitous husbandman. Sir, before your fleet and armies visited their coasts, you might almost as soon have raised the dead as 100*l.* in specie from any individual in the province of the Massachuset's Bay. Then, Sir, let us suppose the Americans to be the most tractable, the most loyal of all the King's subjects, with every good inclination to pay obedience to the mandates of the mother country, where are their abilities to comply with your present demands? For my part, I know but one method by which you can possibly put America into a situation to assist this country; agree with her upon a fair and certain subsidy to be paid you annually; wait with patience the arrival of her merchandizes here, and the sale of them also; then, and not till then, their money will be forthcoming to pay you. Sir, such are my present sentiments with respect to the situation of our colonies at this important crisis; but I will hope for better days, and better information; because I wish to be convinced that neither America nor this country are in danger of being undone.

Lord *Stanley*, for a young speaker, acquitted himself very decently. He expatiated largely on the legislative supremacy and omnipotence of parliament; spoke much of treason, rebellion, coercion, and firmness; and insisted, that if we gave way to their present temper, the

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consequence would probably be, their desiring a repeal of the Navigation Act, and every other Act on our statute books that in the least degree affected them.

Mr. Adam and Mr. Innis, also spoke for the Amendment; governor Johnstone and alderman Sawbridge against it. The House divided: for the Amendment 197, against it 81.

Mr. *Burke*, then, in a very severe speech, which he pointed chiefly at lord North, condemned the behaviour of administration in this business; declaring that they had, for decency's sake, admitted the petition, yet had determined that it should never be heard. He said, he had a petition in his hand from the principal merchants in Bristol trading to America; yet, as he found there were two committees now, the one for hearing evidence, the other for burying petitions, he plainly saw his petition would share the fate of the other, and be buried in oblivion, though not in sure and certain hopes of a joyful resurrection; that his worthy colleague (Mr. Cruger) had likewise a petition of the merchants of Bristol to present, but it would go to the silent committee, and the three, he imagined, would be left to sleep together. He concluded with asking leave to present his petition, which being granted, he made the same motion as Alderman Hayley, for its being referred to the committee on the 26th.

Lord *North* objected to it, as it did not desire to be heard: he observed, it could not be of any information.

Mr. *Burke* replied, the noble lord had objected to one petition because it desired to be heard, to the other, because it did not desire to be heard: but nothing was to be expected from him but blunders and inconsistencies.

Lord *North* said, it was impossible for him to have foreseen the proceedings in America respecting the tea; that the duty had been quietly collected before; that the great quantity of tea in the warehouses of the East India Company, as appeared by the Report of the Secret Committee, made it necessary to do something for the benefit of the Company; that it was to serve them, that 9*d.* in the pound weight drawback was allowed; that it was impossible for him to foretel the Americans would resist at being able to drink their tea at 9*d.* in the pound cheaper.

Governor *Johnstone* said, he got up merely to speak to a matter of fact; that he could not sit still and hear the noble lord plume himself on actions which, of all others, were most reprehensible in this train of political absurdities. That it was unbecoming the noble lord to allege that this dangerous measure was adopted to serve the East India Company, when it was notorious the Company had requested the repeal of the 3*d.* per pound in America, and felt and knew the absurdity of giving a drawback here, and laying a duty there: a perfect solecism in commerce and politics. That the East India Company offered their consent, that government should retain 6*d.* in the pound on the exportation, if the 3*d.* was remitted in America. That the noble lord had been requested and intreated, by the governor himself, in his place, to remove the cause of dispute, and was foretold the consequence of persevering in error. That the noble lord had shewn, by his conduct, he was neither financier, nor politician, or infatuated with those about him. That the East India Company presented the happiest opportunity which could have offered for removing with credit the cause of difference. The noble lord himself had confessed, in repealing the other articles in the original Act, that the tea was as much an anti-commercial tax as any of those which were repealed on that principle; but the authority of parliament being disputed, he could not repeal all till that was fully acknowledged. Here, then, sprung the happiest occasion of doing right, without injuring the claims on either side. The East India Company ask; their situation required the relief. It could not be alleged it was done at the instance of American discontent. But the golden bridge was refused: new contrivances were set on foot to introduce the tea into America. I know, said he, the various intrigues, solicitations, and counter-solicitations, that were used to induce the chairman and deputy chairman of the Company, to undertake this rash and foolish business. I protested against it, as contrary to the principles of their monopoly. Yet the power of ministry prevailed, and the noble lord would now cover all those facts, which are ready, from their consequences, to convulse the empire, and take credit for them as having been done with the most innocent intentions to serve the East India Company: when, on the contrary, it must appear to every man, that the glut of tea in their warehouses was chiefly occasioned by the impolitic and anti-commercial imposition of three-pence

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a pound in America, which deprived them, and still deprives them of that great vent; and that the losses they have since sustained, by sending teas on their own account to America, is likewise chargeable to administration. If this is the manner in which they serve their friends, I desire still to be counted among the number of their enemies.

On the same question being put, whether the latter petition should be referred to the committee on the 26th, it passed in the negative, 192 to 65.

The Petition was from the master, wardens, and commonalty, of the society of Merchants Venturers of the city of Bristol, under their common seal; setting forth,

"That a very beneficial and encreasing trade to the British colonies in America has been carried on from the port of Bristol, highly to the advantage of the kingdom in general, and of the said city in particular; and that the exports from the said port to America consist of almost every species of British manufactures, besides East India goods, and other articles of commerce; and the returns are made, not only in many valuable and useful commodities from thence, but also by a circuitous trade carried on with Ireland and most parts of Europe, to the great emolument of the merchant, and improvement of his Majesty's revenue; and that the merchants of the said port are also deeply engaged in the trade to the West India islands, which by the exchange of their produce with America, for provisions, lumber, and other stores, are thereby almost wholly maintained, and consequently become dependent upon North America for support; and that the trade to Africa, which is carried on from the said port to a very considerable extent, is also dependent on the flourishing state of the West India islands and America; and that these different branches of commerce give employment, not only to a very numerous body of artists and manufacturers, but also to a great number of ships, and many thousand seamen, by which means a very capital encrease is made to the naval strength of Great Britain; and that the trade to America has of late years suffered [illegible] checks, the first of which [illegible] the passing of the Act for levying stamp duties there, which subjected the [illegible] to many and great losses [illegible] and threatened them [illegible] which the repeal of that Act in the following year removed their apprehensions, and restored the trade to its former flourishing state; and that, in this prosperous situation, the trade continued till the next year, when an Act passed for levying duties on glass, paper, and other articles, in America, and it again received a considerable check; but the repeal of a great part of those duties revived it, till the passing of certain acts of parliament, and other measures lately adopted, caused such a great uneasiness in the minds of the inhabitants of America, as to make the merchants apprehensive of the most alarming consequences, and which, if not speedily remedied, must involve them in utter ruin; and the petitioners, as merchants, deeply interested in measures which will so materially affect the commerce of this kingdom, and not less concerned, as Englishmen, in every thing that relates to the general welfare, cannot look without emotion on the many thousands of miserable objects; who, by the total stop put to the export trade to America, will be discharged from their manufactures for want of employment, and must be reduced to great distress; and the petitioners look back with regret to those times in which their trade suffered no interruption; but they presume not to suggest any particular mode of relief to the House, in whose wisdom they place the most unreserved confidence; they venture, however, to express their wishes, that the former system of commercial policy may be taken into consideration; and that the destructive breaches made in their trade, by the alarms to which it has been for many years subject, may be closed, the peace of this great empire restored, and commerce once more fixed on the most solid and permanent foundation."

The other Petition presented by Mr. Cruger, was entitled: A Petition of the merchants, traders, manufacturers, and others, of the city of Bristol; setting forth,

"That the trade to America, not only from this port, but the whole kingdoms of Great Britain and Ireland, is of the utmost importance; and that the said city is highly interested in its welfare, as from thence very large quantities of every species of manufacture are exported, whereby employment is given to a great number of ships, seamen, and others, on which manufactures several thousand persons depend for their daily support, whose cause, from motives of humanity, exclusive of

every advantage to themselves, it becomes their duty to submit to that tribunal, from whence alone redress can be expected; and that the trade of the West India islands, in all its extensive branches, essentially depends upon the continent of America, as many articles absolutely necessary for the existence of their inhabitants are only to be had from thence, and any stop to the commerce and well-being of North America must mutually affect the whole system, being mediately or immediately connected with each other; and that the petitioners already feel the unhappy effects of the stagnation of trade at present subsisting, in consequence of certain Acts made by the legislature of Great Britain, from which cause all orders for goods are countermanded, and the merchants in danger of being deprived of their returns for those already sent; and that, from the circumstances before recited, many thousands of industrious poor are and will be deprived of subsistance, and merchants even of the largest property will be reduced to difficulties in their fortunes and credit heretofore unknown to them; and that, in the present crisis, so very alarming to the interest of the trading part of these kingdoms, and in its consequences to the landed interest, ever dependent on each other, they have every reason to fear a total loss of their trade, and every evil that will attend an event so much to be deprecated; and therefore praying the House, to take the premises speedily into their serious consideration, to adopt such measures as will not only relieve them from the difficulties which press them on the present exigency, but be a security against a return of those frequent interruptions to their trade they have for many years experienced, which have made destructive breaches in the commercial interests, and disturbed the concord of this great empire, so that the whole may be fixed on the same solid basis which formerly united the mother country and her colonies."

Ordered, to be referred to the consideration of the Committee of the whole House, to whom the Petition of the merchants, traders, and others, of London, concerned in the commerce of North America, is referred.

Jan. 24. A similar Petition from the merchants of Glasgow was, on a division of 68 against 26, referred to the same Committee.

Jan. 25. A Petition from the merchants, &c. of Norwich, on American affairs, was presented and referred to the same Committee, on a division of 85 to 11; as was also a Petition from Dudley. On this Petition the House were going to divide, but

Mr. *Burke* said he would not trouble the noble lord and his train to walk out every five minutes in funeral pomp to inter petitions.

A Petition from Birmingham, was next presented, setting forth, That the petitioners are apprehensive, that any relaxation in the execution of the laws respecting the colonies of Great Britain will ultimately tend to the injury of the commerce of the said town and neighbourhood: and therefore the petitioners request, that the House will continue to exert their endeavours, to support the authority of the laws of this kingdom over all the dominions of the crown.

Lord *North* was for referring this petition to the same Committee.

Mr. *Burke* objected, saying, this was not a petition concerning commerce, it was a warlike, blood-thirsty petition, and desired to hear the names of the persons who had signed it read, which was complied with. This petition, however, was referred to the same committee as the other petitions.

Sir *George Savile* rose, and acquainted the House that not understanding any business except the ballotting, was meant to come on that day, he had left the House as soon as it was over, but on going home a Petition of Dr. Franklin, Mr. Lee, and Mr. Bollan, the three gentlemen who had the direction of the Petition from the North American Congress to the King, was put into his hand: he stated the contents, which were, "That the petitioners could explain and throw great light on the Petition presented from the Congress to the King, which, by his Majesty's command, had been referred to that honourable House, and therefore praying to be heard on the same."

A conversation now ensued concerning a point of order, whether a petition could be received concerning a petition which lay before the House, but of which they could have no possible knowledge. This conversation lasted some time, in which lord North, Mr. Rigby, the Solicitor General, lord F. Campbell, and Mr. Gascoyne, were against the receiving it, complaining of the thinness of the House, and

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the lateness of the hour; but it was ably contended that it could be received, by sir George Savile, Mr. Burke, and Mr. T. Townshend, who all shewed the difference there was between receiving a petition and complying with its prayer: the thinness of the House and the late hour they treated with ridicule, by reminding their opponents, that when the question was first proposed the House was pretty full, and it was in the afternoon. A motion was drawn up by Mr. Burke, in order for the point to be discussed, but as the House was so thin, there being but forty members with the Speaker, it was withdrawn.

Debate in the Commons on the Observance of King Charles's Martyrdom on the 30th of January.] Jan. 26. Mr. *Gascoyne* moved, "That the Chaplain to this House do preach before this House, at Saint Margaret's, Westminster, upon Monday next, the 30th January."

Lord *Folkestone* objected to the motion. He thought the observance of the day in the usual manner, a reflection upon the Revolution. When the custom first prevailed many doctrines were held destructive of the rights of Englishmen, but the Revolution had entirely reprobated the former, and clearly ascertained the latter. He also thought the observance of the day blasphemy against our holy religion.

Mr. *Gascoyne* said, he moved it because an act of parliament required it.

Mr. *Byng* said, the act of parliament did not order any sermon to be preached.

Sir *Gilbert Elliot* contended, the question was not upon a matter of opinion, but whether the positive terms of an act of parliament should be obeyed.

The Lord Mayor, Mr. *Wilkes*, said, that he was for the observance of the day, not in the usual manner by fasting and prayer to deprecate the pretended wrath of heaven, but in a very different way from what some other gentlemen had proposed; that it should be celebrated as a festival, as a day of triumph, not kept as a fast; that the death of the first Charles, a determined enemy of the liberties of his country, who made war on his people, and murdered many thousands of his innocent subjects—an odious, hypocritical tyrant, who was, in the great Milton's words, *ipso Nerone neronior*—should be considered as a sacrifice to the public justice of the nation, as highly approved by heaven, and ought to be had in solemn remembrance as the most glorious deed ever done in this, or any country, without which we should at this hour have had no constitution, degenerated into the most abject slaves on the face of the earth, not governed by the known and equal laws of a limited monarchy, but subject to the imperious will of an arbitrary sovereign.

Mr *Byng* reminded the House of the disagreeable situation they were in some time ago, having thanked Dr. Nowel, the Speaker's chaplain, for his sermon on the 30th of January, and being afterwards obliged to expunge those thanks.*

The previous question being put, that the said proposed question be now put; the House divided. The Noes went forth.

Tellers.

Yeas	Sir Francis Vincent Mr. Gascoyne	138
Noes	Lord Folkestone Sir Cecil Wray	50

So it was resolved in the affirmative. Then the main question being put; the House divided. The Yeas went forth: Yeas 112—Noes 83. So it was resolved in the affirmative.

Debate in the Commons on a Second Petition of the Merchants of London.] Jan. 26. Mr. Alderman *Hayley* presented a second Petition from the merchants of London, setting forth,

"That the petitioners have ever conceived, that the connection between Great Britain and America originally was, and ought to be, of a commercial kind; and that the benefits derived therefrom to the mother country are of the same nature; and observing the constant attention which the British legislature had for more than a century given to those valuable objects, they have been taught to admire the regulations by which that connection had been preserved, and those benefits secured, as the most effectual institution which human wisdom could have framed for those salutary purposes; presuming therefore on this opinion, and supported by this observation, the petitioners represent to the House, that the fundamental policy of those laws of which they complain, and the propriety of enforcing, relaxing, or amending, the same, are questions inseparably united with the com-

* See vol. 16, p. 312.

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merce between Great Britain and America; and consequently that the consideration of the one cannot be entered on, without a full discussion of the other; and that the petitioners observe, by the votes, that a committee hath been appointed, to take into their consideration certain papers presented to the House by lord North on Thursday the 19th instant; and, by the titles and dates of the said papers, and in particular No. 148 and 149 of the same, the petitioners are warranted in presuming that the said papers contain matters respecting the present situation of America, and essentially concerning the mutual interests of the petitioners and that country; and that, under all these circumstances, the petitioners find reason sincerely to lament that the House has thought fit to refer the consideration of their said petition to any other committee than that to which the said papers had previously been referred, and the petitioners conceive that, by the resolution to which the House hath come, respecting the reference of their said petition, they are absolutely precluded from the benefit of such a hearing, in support of their said petition, as can alone procure them that relief, which the importance and present deplorable state of their trade requires; and therefore praying the House to take the premises into their immediate consideration, and to direct that the petitioners may be heard, by themselves or their agents, in support of their said former petition: and that no resolution respecting America may be taken by the House, or any committee thereof, until the petitioners shall have been fully heard in support of their said petition."

The regular method of bringing this Petition before the committee to whom the American Papers were referred, was to discharge the order which had referred the merchants' first Petition to the committee of the 27th.

Mr. *Hayley* therefore moved, that the said order be discharged. He resented the indignity and mockery put on a great body of merchants, in referring their business, which was the business of the nation, and of the empire indeed, to a separate committee, whose object was pretended to be no more than to form commercial regulations, which no petition had required or asked; and which committee had not a pretended concern in the great points of commercial policy, the ill-conduct of which threatened a most dangerous civil war. He expressed his fears, that the rejection of the informations of the trading interest, and the precipitate hurry of resolutions in an uninformed committee, or informed only so far as ministry chose, must drive on a civil war with America.

Mr. *Hotham* contended, that the order should be discharged, and a new one made for hearing the petitioners; that on the ground of law it was no more than what the petitioners might claim as a juridical right; on the grounds of justice and reason, the claim was equally clear on the one side, equally proper to be granted on the other; and as to expediency, nothing could be more compatible with that than a hearing of the petitioners, which by affording information to the House, might guide their deliberations in the paths of wisdom.

Mr. *Hans Stanley* could not help persuading himself that interested and factious persons had induced the merchants to sign these petitions. He argued, with respect to the impropriety of discharging the order, and hearing the petitioners, substantially thus: the only end which can be proposed in hearing the petitioners at the bar is information. What information could they lay before the House? Were they to allege, that whilst the disputes between Great Britain and America subsisted, their trade would undergo a temporary stagnation? This was to say nothing but what was already known; it was known that a stoppage of trade would be occasioned by the American disputes; there was no question but the stockholders and landed interest would be greatly affected by these disputes;—but what of that? Unless the supremacy of parliament and the rights of sovereignty were vigorously asserted by Great Britain, the American traffic could not subsist. To support the sovereignty was therefore to support the trade of Great Britain; and if in attempting this arduous task, our commerce should be suspended, our funds should sustain a shock, and the landed property of individuals should experience a diminution, yet all these were evils gentlemen should patiently endure with firmness and magnanimity; the merchants should forego their own interests for the sake of those permanent advantages which they would undoubtedly reap when the Americans were subdued, if, peradventure, a subduction, obtained by force, should be found expedient.

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Mr. *Hayley* said, that a committee of three capital merchants had attended the signing of the petition, to prevent inconsiderable or improper persons from putting their names to it. He affirmed that no undue means were used to procure persons to sign it: on the contrary, the greatest caution was taken: many more would have signed it, but were prevented, either from not being known to be concerned in the American trade, or from being deemed too inconsiderable.

Mr. *T. Townshend* replied to Mr. Stanley with irony, accepting his acknowledgment of the distress that must fall on the commerce, the landholder, and the stockholder; but the place-holder, said he, will batten in the sunshine of his country's ruin; no distress of the public can affect him; he may talk at ease of the patience with which others are to endure ruin. The contractors of every kind may pant for a civil war; but the event of violent councils must shake to its very foundation the public credit, on which every thing depends.

Mr. *Lewis* said he had a speech of an hon. gentleman (meaning Mr. Burke) in his hand; wherein the eloquent declaimer had asserted, that during nine long years we had been lashed round the circle of miserable argumentation, without coming to any conclusion on the subject. The American merchants, he thought, came too late; that they ought not to have been silent so long; and that having so long confided in parliament, they ought to continue that confidence. He spoke of the relation of parent and child that subsisted between the countries; he supposed ingratitude in the child, and wished for its chastisement.

Mr. *Jenkinson* said, that parliament had a right to regulate the internal concerns of America. He instanced an Act for regulating their paper currency; and from their submission to that, he concluded they ought to submit to every act of English legislature. He entertained no doubt that some resolutions for preserving the supremacy would answer every end of the merchants' Petition, and restore trade.

Mr. *Edmund Burke* treated the talk of paper currency with very little respect, and said that Mr. Jenkinson's discourse had not the most remote tendency to prove this, or any other point. For what argument (said he) can be drawn from the instance of an Act to prevent paper currencies, to prove that the merchants of London ought not to be heard in the American committee? The most depreciated paper currency ever issued by Rhode Island, in its worst times, was not more different from good money than this talk from sound argument. The other gentleman (Mr. Lewis) was sitting member last parliament. I thought he had a good right to his seat. I lamented that the public had for seven years been deprived of the benefit of his talents; but suppose this had been the same parliament whose acts he defends, and of whose injustice he was the proto-martyr, and that he had till the last session been silent, and that his modesty had persuaded him to defraud the House of the benefit of his talents to the last hour, would that septennial silence of his argue that he ought not to be heard at the end of the seven years, when he at last chose to interfere in the debates? Then we should have heard him patiently and calmly: nay, if his argument had required an answer, we should have answered him. He then turned to sir Gilbert Elliot, who in the former debate had argued, that the House was already perfectly acquainted in general with the trade and its importance, and admitted in its full extent whatever the merchants could allege. He said that this gentleman was rather too ready to take the measure of mankind from himself; and because he was so very knowing, did not sufficiently condescend to the ignorance of others. But whatever the knowledge of any individual in the House might be, there was a great difference between knowing and feeling. That the hon. gentleman could easily abstract and generalize his ideas even to the *genus generalissimum*; but the nature of mankind was such, that general observations affected their minds in a slight and indistinct manner, when the detail of particulars, and the actual substance of things, made a most forcible impression. He illustrated this by a story of a learned prince, who was of the same part of the island to which we owe the hon. gentleman; James the first, who, as Osborne tells the story, having ordered a present of 20,000*l.* for one of his favourites, his treasurer, a wary and prudent minister, well read in human nature, and knowing how little the general expression of things operates, and that the words 20,000 pounds were as easily pronounced as 20,000 farthings, contrived to place the whole sum in a vast heap before the king's eyes as he passed to his levee, in good

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Jacobuses; when the king was taken out of his generals, and saw the money itself spread out before his eyes, he was frightened at what he was about, and threw himself in great agony on the mass of gold, and scrambling up a handful or two, there, said he, "ge'en that, that's enough." Now, said he, if we are to be generous in sacrificing our trade to our dignity, let us know what the value of the sacrifice is that we make; let us not be generous in the dark; true generosity is to give, and see, and know whatever we give. Let us, then, see this thing, this trade, we are to give up for our dignity. Your dignity may be worth it all, but let us be informed by the merchants what all really is. To be generous, without knowing what we give, is not liberality, but negligence; and fearlessness arising from ignorance, is not courage but insensibility. He said that the reason given by those who sent the Petitions to the Coventry Committee, for not referring them to that on American Papers, was of a most extraordinary and unheard of nature: it was, that the resolutions of that committee were to be solely on the grounds of policy, and that the commercial examination would delay the measures necessary for the coercion of America. This was to anticipate and predetermine the future proceedings in a committee, as a reason for keeping information from it. How did they know what measures would be pursued there, and on what principles? Was there any instruction to the committee so to confine itself? Or was it that the ministry had already not only solved what that committee was to do, but reckoned upon it so much as a certainty, and as a matter so justifiable, that they did not scruple to avow it, and to make it a ground of argument for what the House ought, or ought not to have brought before its committee. This proceeding he thought no less alarming than unprecedented. If they meant hostility, the reason they gave for not hearing was the strongest for it. But as their war ever must be dependent upon their finances, and their finances must depend upon their commerce, the true state of that commerce was necessary to be known, especially as colonies and commerce are inseparably connected.

Having thus pleaded for the necessity of hearing the petitioners, Mr. Burke proceeded to lament the national calamities about to befal this devoted kingdom. Besides the horrors of a civil war, besides the slaughtered innocents who are to be victimated to the counsels of a ministry precipitate to dye the rivers of America with the blood of her inhabitants; besides these disasters, an impoverished revenue; famished millions; the stagnation of manufactures; the total overthrow of commerce; the encrease of the poor's rate; the accumulation of taxes; innumerable bankruptcies; and other shocks which may make the fabric of public credit totter to its basis: these were all depicted in the strongest colours by Mr. Burke. He professedly reserved himself, however, for that day when, if properly supported by the people, he vowed by all that was dear to him here and hereafter, he would pursue to condign punishment the advisers of measures fraught with every destructive consequence to the constitution, the commerce, the rights and liberties of this country.

Mr. Burke concluded his animated harangue by quoting an instance, related in history, of an archer about to direct an arrow to the heart of his enemy, but found that in his adversary's arms was enfolded his own child. This singular incident he recommended with cautionary admonition to those statesmen who had in contemplation the destruction of America, unmindful that they could not accomplish so baneful a purpose, without at the same time plunging a dagger into the vitals of Great Britain. Let your commerce, said Mr. Burke, come before you,—see whether it be not your child that America has in its arms—see of what value that child is—examine whether you ought to shoot; and if you must shoot, shoot so as to avoid wounding what is dearest to you in the world. Without examining your trade you cannot do this.

Mr. *Charles Fox* spoke on the same side. He arraigned in the severest terms, the Acts of the last parliament, as framed on false information, conceived in weakness and ignorance, and executed with negligence. We were promised that on the very appearance of troops, all was to be tranquillity at Boston, yet so far from subduing the spirit of that people, these troops were by neglect of those who sent them, reduced to the most shameful situation, and dishonourably intrenched within the lines of circumvallation, which a necessary precaution for their own safety obliged them to form. That the contrary effect of what the minister had promised, was foretold; but that the minister, for-

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sooth, in his usual negligence, avowed, that when he was pursuing a measure of the last degree of importance, though it were treasonable in him, (the strength of the words he afterwards disavowed) yet he thought it would be blameable in him so much as to enquire what the effects were to be of his measures. He believed it was the first time any minister dared to avow that he thought it his duty not to enquire into the effects of his measures; but it was suitable to the whole of the noble lord's conduct, who had no system or plan of conduct, no knowledge of business; that he had often declared his unfitness for his station, and he agreed that his conduct justified his declaration; and that the country was incensed, and on the point of being involved in a civil war by his incapacity. He pledged himself to join Mr. Burke, in pursuing him, and bringing him to answer the mischiefs occasioned by his negligence, his inconsistency, and his incapacity: he said not this from resentment, but from a conviction of the destructive proceedings of a bad minister.

Colonel *Barré* began with a short and spirited history of the late parliament, who, he said, commenced their political life with a violation of the sacred right of election in the case of Middlesex; they had died in the act of popery, when they established the Roman Catholic religion in Canada; and they had left a rebellion in America as a legacy. He asserted, in favour of the Americans, that they drew a just and reasonable line, which had been a line of peace, and would be so again, if we had sense enough to return to it. The Americans, he insisted on it, required no more; and they had too much justice on their side, to be satisfied with less. He flatly denied that they had objected to the Declaratory Act; and for proof he referred to Mr. Dickenson's pamphlet, entitled "A New Essay," &c. on which he passed the strongest eulogium. He concluded with a story which his friend Mr. Burke's archer had put him in mind of; than which nothing could be more apposite. There was another story, he said, of the famous William Tell, who being ordered to shoot an apple off his child's head, effectually did it, and the tyrant who had given the inhuman command, seeing him draw out another arrow, said to him, "What, another arrow?" "Oui, dit-il, il y a une autre; et c'est pour toi, tyran, destinée." Yes, tyrant, another arrow, and it is destined for thee!

Mr. Solicitor General *Wedderburn* went upon a proposition of quieting the merchants, by passing a law, obliging the several provinces in America to pay the respective debts due by the inhabitants of the said provinces, to the merchants of this country.

Lord *North* said the question had been so fully discussed, that it would be presumption in him to rise at that late hour of the night, to trespass on the indulgence of the House; he should therefore decline it: but he thought it nevertheless incumbent on him, to say a word in answer to some insinuations, and some general charges made against him by two honourable gentlemen [Messrs. Burke and Fox.] He observed, that those gentlemen constantly made a point, not even of attacking, but threatening him. As to general charges, he could only answer them in general terms; and when that black, bitter, trying day should come, which had been prophesied by one of those gentlemen, and that he should bring any particular charge against him, he trusted he should be able to give it a particular answer. As to the other, who found so many causes of censure, and who disclaimed all resentment, he was sure, though he now discovered in him so much incapacity and negligence, there was a time, when he approved of at least some part of his conduct.

Lord *George Germaine* began with a justification of the last parliament; and insisted that in their proceedings towards America, they had gone upon sufficient information. He made a strong declamation on dignity. His lordship mentioned the Declaratory Act, professing not to address himself to those who denied our right to tax America, but to those who favoured that Act; they, his lordship insisted, were bound to support the idea of subduing America; the confession of the right implied the propriety and necessity of exercising it. If the Americans, pointing the late Acts out as a grievance, would petition for their repeal, he would stretch forth the first hand to present it; but, on the contrary, if they claimed such repeal as a right, thereby disputing the authority of the mother country, which no reasonable man ever called in question, he wished the said Acts might be enforced with a Roman severity.

Mr. *Fox*, in reply to lord North, said: That my private resentments have not affected my public conduct, will be readily believed, when I might have long since

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justly charged the noble lord, with the most unexampled treachery and falshood. —Here Mr. Fox was called to order, and the House grew clamorous. He sat down twice or thrice, and on rising each time, repeated the same words; but at length, assuring the House he would abstain from every thing personal, he was permitted to proceed. He then repeated his former charges of negligence, incapacity, and inconsistency; and added, that though he at one time approved of part of the noble lord's conduct, he never approved of it all; of which a stronger proof could not be given, than that he differed from him. He charged all the present disputes with America, to his negligence and incapacity, and instanced his inconsistency in the case of the Middlesex election. It was true, he said, the noble lord had often confessed his incapacity, and from a consciousness of it, pretended a willingness to resign; but the event had proved that whatever his consciousness might have been, his love of the emoluments of office had completely conquered it.

Lord *North* replied, that the high post he now occupied was not of his own seeking, but was submitted to, because he thought it his duty to obey the commands laid on him; that whatever interpretation might be put by the honourable gentleman, he well knew, that it was no desire of his to retain his present situation: that that hon. gentleman was no stranger to how he had been tried on many critical occasions, particularly when we were threatened with a Spanish war, in the affairs of the East India Company, &c.

Mr. *Burke* rose to explain, but the clamour and call to order was so great that he was obliged to sit down unheard; to use his own words, in a "torrent of candour, and a storm of moderation."

The House then divided on the motion for the discharge of the order. The Yeas went forth.

Tellers.

Yeas	Mr. Alderman Hayley Mr. Byng	89
Noes	Mr. Dundas Mr. Cooper	250

So it passed in the negative. After which the Petition was ordered to lie on the table.

Sir George Savile presented a Petition from William Bollan, Benjamin Franklin, and Arthur Lee, esquires, stating themselves to have been authorized by the persons who signed one of the papers presented to the House, by the lord North, upon Thursday last, by his Majesty's command, intituled, "Petition of sundry persons, on behalf of themselves and the inhabitants of several of his Majesty's colonies in America," to procure the said paper to be presented to his Majesty; and praying, that they may be heard at the bar of this House, in support thereof, being offered to be presented to the House.

The question being put, that the said Petition be brought up; the House divided. Yeas 68, Noes 218.

Petitions from the merchants of Liverpool; manufacturers of Manchester; traders of Wolverhampton, &c. relating to the trade of North America, were presented and referred to the same committee that the petitions from London were.

Jan. 27. The committee appointed to take the Petitions of the merchants into consideration, sat. The committee were informed that Mr. Thomas Wooldridge from the committee of London merchants, who had petitioned, attended. He was called to the bar; and addressed the House in the following words: "I am directed by the committee of merchants, traders, and others, of the city of London, concerned in the commerce of America, to represent to this honourable committee, that merchants revealing at this bar the state of their affairs is a measure which all would wish to avoid, unless upon such great occasions as the present, where the public weal is evidently at stake, when their duty as good subjects requires it of them: but when the mode of examination is such as totally precludes them from answering the great public object, which in their opinion is clearly the case at present; they beg leave humbly to signify, that they wave appearing before the committee which has been appointed; and that the merchants are not under any apprehensions respecting their American debts, unless the means of remittance should be cut off by measures that may be adopted in Great Britain."

The committee broke up, and the Speaker resumed the chair.

Another petition from Birmingham was presented, of the same nature with those from London, Bristol, &c. setting forth the hardships of the petitioners, if the trade to North America is not restored. This petition was a counter-petition to the other from the same place, and said to be

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from sundry merchants, factors and manufacturers and others interested in the trade to North America.

Jan. 31. Mr. *Edmund Burke* moved, "That it be an instruction to the committee of the whole House, to whom the petition of the merchants, traders and others, of the city of London, concerned in the commerce of North America, is referred, that they do enquire into the manner of procuring and signing the petition of the inhabitants of the town and neighbourhood of Birmingham, which was presented to the House upon Wednesday last; and also the petition of sundry merchants, factors, and manufacturers, of Birmingham, in the county of Warwick, on behalf of themselves and others in that neighbourhood, who are interested in the trade from thence to North America, which was presented to the House upon Friday last; and how far the persons severally signing the same are concerned in the trade to North America."

This brought on a debate respecting the manner in which the Petitions had been signed, and by whom: that the first petition from Birmingham was signed by persons not concerned in the trade to North America, and therefore ought not to have the least weight with parliament; that the second petition from Birmingham being signed by the persons really interested, merited a serious consideration.

Sir *W. Bagot* opposed the motion.

Mr. *Burke* replied, that the persons who signed the first petition were not in the least concerned in the trade to North America, and that they chiefly consisted of shopkeepers. He then read a paper, containing an account of the manner in which the petition was procured, viz. "On the 11th Jan. 1775, a meeting of the merchants, traders, &c. of Birmingham, was held, to consider of proper methods to be pursued on account of the alarming situation of their trade, when it was unanimously resolved to wait and see what the North American merchants in London did, and to be guided by them. On the 17th another meeting was held, when it was likewise resolved to petition parliament. At this meeting a Mr. Bolton said, he did not think petitioning would have any good effect; but he had a friend next him, Dr. Roebuck, who knew more of the matter. Dr. Roebuck, after apologizing for his neither being a trader nor inhabitant, desired them by no means to petition parliament; for, by a conversation he had lately with a lord of the Treasury, he was acquainted that a petition to lord North would be much better, he being the only person that could give them redress; and that, to his certain knowledge, there was at that time in the House of Commons, four members to one determined to execute the laws in force against America. In this manner did Dr. Roebuck endeavour to hinder the people from petitioning parliament; but, notwithstanding his endeavours, a committee was appointed, and a petition prepared, which, after a few amendments, met with almost universal approbation, and public notice, by advertisement, was repeatedly given, that it lay at the Dolphin in Birmingham to be signed. In the interim the petition in question was procured by Dr. Roebuck, and carried about from house to house clandestinely, without the least notice, to be signed."

Mr. *Rice* objected to the motion, because the Petition in question, according to his opinion, contained more good sense and sound policy than all the other Petitions put together.

Mr. *Burke* desired to know whether it was sound policy for merchants to wish to go to war with the people with whom they dealt?

Sir *John Wrottesley* should agree to the motion, as he was certain it would redound to the petitioners' honour; at the same time he begged leave to remind the House, that the trade of the neighbourhood of Birmingham was far more extensive than that of Birmingham itself. He asked Mr. Burke, whether he was ready to discuss the Bristol Petition? Mr. Burke replied, yes.

Mr. *Fox* observed, that if any gentlemen suggested, that the Bristol Petition was surreptitiously obtained, and offered to prove it, the House ought to hear it; but that it came with an ill grace from ministry, to say, that the motives and manner of obtaining petitions, was not to be considered, when their only answer to the Petitions disapproving their conduct, was that they were surreptitiously obtained; that indeed there was one difference between the ministers' imputation and Mr. Burke's charge; theirs was a mere voluntary suggestion of their own; Mr. Burke offered proof of his.

Mr. *T. Townshend* was for the motion, saying, that if the allegations set forth were true, the persons guilty of procuring such a Petition ought to be looked on as criminals.

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Sir *Gilbert Elliot* contended, that the persons who petitioned had not been guilty of the least fraud, for they stiled themselves only the inhabitants of the town and neighbourhood of Birmingham; and certainly no gentleman would deny but the petitioners were inhabitants, if not traders.

Mr. *Burke* admitted they might be inhabitants, but contended that the counter-petition, delivered on the 27th, of "the principal merchants, traders, manufacturers, and factors of Birmingham," ought to have a preference to that of the inhabitants only.*

Sir *Edward Astley* observed, that had there not been a counter-petition, he should have given a negative to the motion, but as the counter-petition, in his opinion, carried so much more importance with it, he should give his hearty affirmative to the motion.

The House divided. The Yeas went forth.

Tellers.

Yeas	Mr. Fox Lord Lumley	37
Noes	Lord Lisburne Lord Guernsey	85

So it passed in the negative.

Debate in the Lords on the Earl of Chatham's Provisional Act for settling the Troubles in America.] Feb. 1. The Earl of Chatham presented to the House a Bill, intituled, "A Provisional Act for settling the troubles in America, and for asserting the supreme legislative authority, and superintending power of Great Britain over the colonies," of which the following is an authentic copy:

A Provisional Act for settling the Troubles in America, and for asserting the Supreme Legislative authority and superintending power of Great Britain over the Colonies.

Whereas by an Act 6 Geo. 3, it is declared, that parliament has full power and authority to make laws and statutes to bind the people of the colonies, in all cases whatsoever; and whereas reiterated complaints and most dangerous disorders have grown, touching the right of taxation claimed and exercised over America, to the disturbance of peace and good order there, and to the actual interruption of the due intercourse from Great Britain and Ireland to the colonies, deeply affecting the navigation, trade, and manufactures of this kingdom and of Ireland, and announcing farther an interruption of all exports from the said colonies to Great Britain, Ireland, and the British Islands in America: now, for prevention of these ruinous mischiefs, and in order to an equitable, honourable, and lasting settlement of claims not sufficiently ascertained and circumscribed, May it please your most excellent Majesty, that it may be declared, And be it declared by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present parliament assembled, and by the authority of the same, that the colonies of America have been, are, and of right ought to be dependent upon the imperial crown of

* The thanks of the merchants, traders, and manufacturers of Birmingham, concerned in the trade to America, were given to Mr. Burke for his conduct in this business. The following is a copy of the letter of thanks:

"To Edmund Burke, Esq.

"Sir; Birmingham, Feb. 8, 1775.

"The merchants and manufacturers who have had a principal share of the American trade from this town and neighbourhood, beg your acceptance, through our hands, of their warmest acknowledgments for your liberal support of our petition to the honourable House of Commons, wherein are stated the evils we already feel, and the greater we have yet to apprehend from a continued stagnation of so important a branch of our commerce as that with North America.

"At the same time we also unite in expressing our particular thanks for the motion you was pleased to make for an enquiry into the manner of both the late petitions from the town of Birmingham having been obtained, an enquiry which could scarcely have failed to give some useful intelligence, and to have fully justified our application to parliament at so critical a juncture.

"We cannot wonder, Sir, that defamation should have made its appearance on such an occasion as this, which is the notorious evidence of a weak cause, and whose mischiefs we are persuaded will be as transient as its efforts have been intemperate.

"We only take the liberty, therefore, of adding our sincere wishes, that you may long fill your distinguished place in the British Senate, and that your persevering endeavours to preserve the rights of the subject, to maintain the prosperity of our commerce, and to secure the tranquillity of this extensive empire, may meet with a success adequate to the patriotic zeal with which they are animated. Being with the greatest regard,

"Sir, your's, &c."

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Great Britain, and subordinate unto the British parliament, and that the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in parliament assembled, had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the people of the British colonies in America, in all matters touching the general weal of the whole dominion of the imperial crown of Great Britain, and beyond the competency of the local representative of a distant colony; and most especially an indubitable and indispensable right to make and ordain laws for regulating navigation and trade throughout the complicated system of British commerce; the deep policy of such prudent acts upholding the guardian navy of the whole British empire; and that all subjects in the colonies are bound in duty and allegiance duly to recognize and obey (and they are hereby required so to do) the supreme legislative authority and superintending power of the parliament of Great Britain, as aforesaid.

And whereas, in a Petition from America to his Majesty, it has been represented that the keeping a standing army within any of the colonies, in time of peace, without consent of the respective provincial assembly there, is against law: be it declared by the King's most excellent Majesty, by and with the consent of the Lords spiritual and temporal and Commons in this present parliament assembled, that the Declaration of Right, at the ever-glorious Revolution, namely, "That the raising and keeping a standing army within the kingdom, in time of peace, unless it be by the consent of parliament, is against law," having reference only to the consent of the parliament of Great Britain, the legal, constitutional, and hitherto unquestioned prerogative of the crown, to send any part of such army, so lawfully kept, to any of the British dominions and possessions, whether in America or elsewhere as his Majesty, in due care of his subjects, may judge necessary for the security and protection of the same, cannot be rendered dependant upon the consent of a provincial assembly in the colonies, without a most dangerous innovation, and derogation from the dignity of the imperial crown of Great Britain. Nevertheless, in order to quiet and dispel groundless jealousies and fears, be it hereby declared, that no military force, however raised, and kept according to law, can ever be lawfully employed to violate and destroy the just rights of the people.

Moreover, in order to remove for ever all causes of pernicious discord, and in due contemplation of the vast increase of possessions and population in the colonies; and having a heart to render the condition of so great a body of industrious subjects there more and more happy, by the sacredness of property and of personal liberty, of more extensive and lasting utility to the parent kingdom, by indissoluble ties of mutual affection, confidence, trade and reciprocal benefits, be it declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present parliament assembled, and it is hereby declared and enacted by the authority of the same, That no tallage, tax, or other charge for his Majesty's revenue, shall be commanded or levied, from British freemen in America, without common consent, by act of provincial assembly there, duly convened for that purpose.

And it is hereby further declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for delegates from the respective provinces, lately assembled at Philadelphia, to meet in general congress at the said city of Philadelphia, on the 9th of May next ensuing, in order then and there to take into consideration the making due recognition of the supreme legislative authority and superintending power of parliament over the colonies as aforesaid.

And moreover, may it please your most excellent Majesty, that the said delegates, to be in congress assembled in manner aforesaid, may be required, and the same are hereby required, by the King's Majesty sitting in his parliament, to take into consideration (over and above the usual charge for support of civil government in the respective colonies) the making a free grant to the King, his heirs, and successors, of a certain perpetual revenue, subject to the disposition of the British parliament, to be by them appropriated as they in their wisdom shall judge fit, to the alleviation of the national debt: no doubt being had but this just, free aid, will be in such honourable proportion as may seem meet and

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becoming from great and flourishing colonies towards a parent country labouring under the heaviest burdens, which, in no inconsiderable part, have been willingly taken upon ourselves and posterity, for the defence, extension, and prosperity of the colonies.

And to this great end, be it farther hereby declared and enacted, that the general congress (to meet at Philadelphia as aforesaid) shall be, and is hereby authorized and empowered (the delegates composing the same being first sufficiently furnished with powers from their respective provinces for this purpose) to adjust and fix the proportions and quotas of the several charges to be borne by each province respectively, towards the general contributory supply; and this in such fair and equitable measure, as may best suit the abilities and due convenience of all: provided always, that the powers for fixing the said quotas, hereby given to the delegates from the old provinces composing the congress, shall not extend to the new provinces of East and West Florida, Georgia, Nova Scotia, St. John's, and Canada; the circumstances and abilities of the said provinces being reserved for the wisdom of parliament in their due time. And in order to afford necessary time for mature deliberation in America, be it hereby declared, That the provisions for ascertaining and fixing the exercise of the right of taxation in the colonies, as agreed and expressed by this present act, shall not be in force, or have any operation until the delegates to be in congress assembled, sufficiently authorized and empowered by their respective provinces to this end, shall, as an indispensable condition, have duly recognised the supreme legislative authority and superintending power of the parliament of Great Britain over the colonies aforesaid: always understood, that the free grant of an aid, as heretofore required and expected from the colonies, is not to be considered as a condition of redress, but as a just testimony of their affection.

And whereas, divers acts of parliament have been humbly represented, in a Petition to his Majesty from America, to have been found grievous, in whole or in part, to the subjects of the colonies, be it hereby declared by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, that the powers of Admiralty and Vice-Admiralty courts in America shall be restrained within their ancient limits, and the trial by jury, in all civil cases, where the same may be abolished, restored: and that no subject in America shall, in capital cases, be liable to be indicted and tried for the same, in any place out of the province wherein such offence shall be alleged to have been committed, nor be deprived of a trial by his peers of the vicinage; nor shall it be lawful to send persons indicted for murder in any province of America, to another colony, or to Great Britain, for trial.

And be it hereby declared and enacted, by the authority aforesaid, that all and every the said Acts, or so much thereof as are represented to have been found grievous, namely, the several Acts of the 4th Geo. 3, ch. 15. and ch. 34; 5th Geo. 3, ch. 25; 6th Geo. 3, ch. 52; 7th Geo. 3, ch. 41, and ch. 46; 8th Geo. 3, ch. 22; 12th Geo. 3, ch. 24.—with the three Acts for stopping the port, and blocking up the harbour of Boston; for altering the charter and government of Massachuset's Bay; and that entitled, An Act for the better administration of justice, &c.; also the Act for regulating the government of Quebec, and the Act passed in the same session relating to the quarters of soldiers, shall be, and are hereby suspended, and not to have effect or execution, from the date of this Act. And be it moreover hereby declared and enacted, by the authority aforesaid, that all and every the before-recited Acts, or the parts thereof complained of, shall be and are, in virtue of this present Act, finally repealed and annulled, from the day that the new recognition of the supreme legislative authority and superintending power of parliament over the colonies shall have been made on the part of the said colonies.

And for the better securing due and impartial administration of justice in the colonies, be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, that his Majesty's judges in courts of law in the colonies of America, to be appointed with salaries by the crown, shall hold their offices and salaries as his Majesty's judges in England, *quamdiu se bene gesserint.* And it is hereby further declared, by the authority aforesaid, that the colonies in America are justly entitled

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to the privileges, franchises, and immunities granted by their several charters or constitutions; and that the said charters or constitutions ought not to be invaded or resumed, unless for misuser, or some legal ground of forfeiture. So shall true reconcilement avert impending calamities, and this most solemn national accord between Great Britain and her colonies, stand an everlasting monument of clemency and magnanimity in the benignant father of his people; of wisdom and moderation in this great nation, famed for humanity as for valour; and of fidelity and grateful affection from brave and loyal colonies to their parent kingdom, which will ever protect and cherish them.

The Earl of *Chatham* rose. His lordship began with reminding the House, that the last time he had the honour of imparting his sentiments to them, he had informed them, that with their indulgence, he would submit certain propositions to their consideration, as a basis for averting the dangers which now threatened the British empire; and that in performance of his promise, he had sketched the outlines of a Bill, which he hoped would meet with the approbation of every side of the House. He proceeded to state the urgent necessity of such a plan, as, perhaps, a period of a few hours might for ever defeat the possibility of any such conciliatory intervention. He represented Great Britain and America as drawn up in martial array, waiting for the signal to engage in a contest, in which it was little matter for whom victory declared, as ruin and destruction must be the inevitable consequence to both parties. He wished, from a principle of duty and affection, to act the part of a mediator. He said, however, that no regard for popularity, no predilection for his country, not the high esteem he entertained for America on one hand, nor the unalterable steady regard he entertained for the dignity of Great Britain on the other, should at all influence his conduct; for though he loved the Americans, as men prizing and setting the just value on that inestimable blessing liberty; yet if he could once bring himself to be persuaded, that they entertained the most distant intentions of throwing off the legislative supremacy and great constitutional superintending power and controul of the British legislature, he should be the very person himself, who would be the first and most zealous mover for securing and enforcing that power by every possible exertion this country was capable of making. He recurred to his former arguments, on the great constitutional question of taxation and representation; insisted they were inseparable, and planted so deeply in the vital principles of the constitution, as never to be torn up, without destroying and pulling asunder every band of legal government and good faith, which formed the cement that united its several constituent parts together. He entreated the assistance of the House to digest the crude materials which he presumed to now lay before it, and bring it and reduce it to that form, which was suited to the dignity and the importance of the subject, and to the great ends to which it was ultimately directed. He called on them to exercise their candour on the present occasion, and deprecated the effects of party or prejudice, of factious spleen, or a blind predilection. He avowed himself to be actuated by no narrow principle, or personal consideration whatever; for though the present Bill might be looked upon as a bill of concession, it was impossible but to confess at the same time, that it was a bill of assertion.

The Earl of *Dartmouth* observed, that the Bill took in such a variety of matter, it was impossible for him to pronounce any certain opinion concerning its propriety; and as the noble earl who presented it did not seem willing to press the House to any immediate decision, but appeared rather desirous that it should be maturely and fully considered, he supposed it would be quite agreeable to him, that the Bill should lie on the table till the papers referred by his Majesty were first taken into consideration; if so, he had no objection to the Bill being received on those terms.

The Bill was then read a first time.

The Earl of *Sandwich* rose, and instantly changed this appearance of concession on the part of administration. He insisted, that to concede was at once to give up the point; that he was well assured America had already formed the most traitorous and hostile intentions; that the last dispatches brought over an account, that they had already attacked and taken one of the King's forts, and had seized the King's stores and ammunition to employ them against him, which, if any thing could be deemed rebellion, it was plain this was. He highly condemned the mode of bringing this Bill forward, and every circumstance attending it; and observed,

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with no small degree of warmth, that it was no less unparliamentary than unprecedented. He said it was impossible, on so short a notice, to determine on a matter of such singular importance, so extensive in its objects, and so novel in its introduction. As to the stale pretension of preserving our commercial interests, that device could impose on none but those who were wilfully blind, and who were resolved to contradict the plainest evidence of facts, and shut their eyes against reason and common sense; for it was clear the Americans were not disputing about words, but realities, it was to free themselves from the restrictions laid on their commerce, that was the principal motive for their present obedience; it was not the tea they really objected, for if they could procure it from any other place but Britain, they would be well pleased, of which he had the most undeniable proof in his pocket, in authentic letters informing him, that there were ships now lading at Amsterdam, Port l'Orient, and Havre de Grace, with various sorts of East India and European commodities, intended for certain parts of the continent of North America. His lordship therefore moved, "That the said Bill be rejected."

Lord *Lyttelton* set out with the highest encomiums on the great abilities and high political knowledge of the noble earl who framed the Bill. He said his knowledge was as extensive as his intentions were good and great; that in the most trying situations, when the nation was reduced nearly to desperation and despair, he stood forth alone, on the dangerous ocean of politics, and rescued the nation from the ruin which was suspended over its head. For these reasons, as well as the particular merit of the proposition now made, he thought both the mover and the matter deserved a more favourable reception. He said, though he could not probably agree with the noble earl in many of his ideas, particularly relative to the repeal of the Quebec Bill, which was included in those mentioned in the Petition of the American congress to the King, he must still continue to think it was extremely improper at once to reject and put a negative on a proposition, which carried on the face of it a plan of reconciliation; and made an opening for changing negociation for the sword. He avowed his former sentiments respecting the supremacy of the British parliament; but would gladly enjoy all the substantial fruits of that supremacy, in the way of obedience and submission, in preference to wresting them by force and violence. His lordship then proceeded to animadvert on the conduct of administration, and on their manifest misconduct respecting the insufficiency of the force sent to Boston; but was called to order by the earl of Sandwich; who was also called to order by the duke of Richmond. His grace insisted, lord Lyttelton ought not to have been interrupted. Lord Lyttelton concluded with a simile drawn from the Roman history, where a general in the time of Augustus being sent with a force against the Germans, not adequate to the service, the general with all his army were unhappily cut off. When Augustus heard of it, his observation was, that such a force should have been sent as would have ensured success.

The Earl of *Shelburne* disclaimed the least knowledge of the contents of the Bill till it was read by the Clerk. He was extremely animated, and painted, in the strongest colours, the probable consequences of pushing matters to extremities. A ruined commerce, starving manufacturers, increased taxes, heavy poor-rates, rents fallen, an exhausted exchequer, and a diminished revenue, were some of the first effects he predicted, that would inevitably follow from adopting the measures of administration. His lordship proceeded to take notice of another matter which had been hitherto overlooked, but which deserved the most serious consideration. It was well known, that the vast supplies of bread corn brought into this kingdom from America, would now of course be stopped; and that again would add to all our other accumulated misfortunes, riots and tumults of the most alarming and dangerous nature. People must eat, and it would be impossible to reconcile them to measures which would at once cut them off from procuring the necessaries of life, unless at a most exorbitant and advanced price, and the means of purchasing them almost at any price. He ventured to speak with the more confidence of what might be justly dreaded on this occasion, because, when only one part of the case existed, a scarcity of grain in 1766, when he had the honour of acting as one of his Majesty's secretaries of state, he well remembered the dreadful alarms that were spread on account of the risings and tumultuous

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meetings in almost every part of the kingdom. One day an express arrived from Norwich, another from the inland counties, to which troops were sent to quell the rioters; the next day, one from Southampton and the western counties, and a fourth from Chester and the north. I would have these things maturely considered and weighed, said his lordship. All the troops now in Great Britain and Ireland would scarcely suffice to put the proposed measures in execution. Think, then, in time; Ireland naked and defenceless, England in an uproar from one end to the other for want of bread, and destitute of employment. Besides all this, is there, then, a noble lord in administration who will rise and tell me, that he seriously thinks, the powers of Europe, particularly those whose commercial interests and naval power clash with ours, will sit totally unconcerned, and let slip so favourable an opportunity of humbling that power, and hurting those interests? I cannot believe there is. Perhaps administration trust to the assurances of their inveterate enemies and false friends; if they do, all I will add is, that I sincerely pity them.

The Duke of *Grafton* complained severely of the very unparliamentary manner in which the noble earl had hurried the Bill into the House. He said, he had the honour of sitting there longer than the noble earl, and within his recollection he could safely affirm, he never remembered another instance of the kind. For his part, he was astonished how any matter so important in its nature, so extensive in its consequences, and directed to such a variety of objects, each of them worthy of a separate consideration, could be thus brought forward together, and in such a manner. In his opinion, the matter should have been laid before the House, in separate propositions, each of which should be singly discussed, as leading to one great comprehensive system. His own opinion respecting the general question, was, he said, perhaps different from that entertained by either party. When it came before the House regularly, and in a proper mode, he should declare it freely and openly without reserve or predilection for the sentiments of any set of men; but when he considered the manner of introducing it, and the immense mass of matter it contained, however highly he might estimate the talents of the noble framer, or great a personal regard he might entertain for him, he must be for rejecting the Bill in the first instance.

Earl *Gower* rose in a great heat, and condemned the Bill in the warmest terms. He contended, that it fell in with the ideas of America in almost every particular, and held out no one security, that although we should be base and dastardly enough to betray the rights of the parliament of Great Britain, America would agree to such parts of it as the noble lord seemed to point out as matters of submission or concession; but above all, it not only sanctified the traitorous proceeding of the congress already held, but further legalized it, by ordaining that another shall be held on the 9th of May next. He then endeavoured to prove that suspending the Acts mentioned in the Bill, would be to every substantial purpose an actual repeal. He defended those Acts one after another; and insisted, that the Act of Navigation would be of no avail, would be no more than a dead letter, if the laws for establishing the admiralty courts were repealed; for to talk of laws for restricting and regulating their commerce without the means of enforcing and executing them, was a mere mockery of reason and common sense. He next launched into great encomiums on the Quebec Bill; spoke much of its lenity, moderation, justice and policy; said it was a measure no less founded in wisdom and justice, than its apparent policy, considering the rebellious temper of the colonies, was properly directed. He repeated what he had advanced on a former occasion, that those of the best characters and greatest property throughout the colonies, were well inclined to obedience and submission to the mother country, that all they wanted to manifest their zeal and attachment was to be protected; that were it otherwise, Great Britain was called upon by every tie of interest, every motive of dignity, and every principle of good government, to assert its legislative supremacy entire and undiminished. He avowed his advising every measure hitherto taken against them; and said he did not mean to screen himself from any consequence whatever, but was prepared for the worst, and ready to face the block in such a cause. He observed that the noble earl who framed the Bill, seemed to entertain the highest opinion of the prowess of the Americans, and to lament greatly the cruelty and injustice of sending a military force against them; yet he remembered the time the noble earl entertained very different sentiments on an occasion of infinitely less provocation,

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when he advised their ports to be filled with ships of war, and their towns with soldiers; adding, that an ensign, with a few regiments, would reduce them to instant obedience.

Here he was interrupted by the earl of Chatham, who called on him to name the time and place. Earl Gower was proceeding, but was again called on to specify the time and place; on which he said, it was in a debate in the other House.

The Earl of *Chatham* condemned such a procedure in very severe terms, said it was not decent or parliamentary, to mention words spoken out of the House; or if it were, to advert to some particular expressions, which could not be understood without referring them to the other parts of the speech; and in fact, that the noble earl was mistaken, for no such expressions had ever fallen from him, as he knew too well, by his acquaintance with the force employed during the late war in America, which was not less than 40,000 men, that an ensign with a few regiments, could not reduce British America, when the part possessed by France of that continent, which was not a third of the former, employed so great a force for full five years, under the command of one of the ablest generals in Europe, sir Jeffery Amherst. This altercation being finished,

Earl *Gower* declared in the most unreserved terms, for reducing the Americans to submission, gave his hearty concurrence to the earl of Sandwich's amendment.

Lord *Camden* argued the matter generally, and challenged administration to a *full* discussion of every separate proposition. He could answer for himself, he dared say he could answer for every noble lord on the same side, that they never meant to consider so as to decide on the subject matter in this stage of the business. It was not, he was certain, ever intended. I am not, said his lordship, by any means prepared to speak fully to any one material part of it; but if, as is always usual on such occasions, they are determined to consider it and to enter into a candid examination, I here pledge myself to prove every leading proposition on which the Bill rests, particularly the main one, which in a great measure includes all the rest, the rescinding the Declaratory law asserting that the British parliament can bind the colonies in all cases whatsoever. On that ground I am ready to meet my antagonists; and if that argument falls, they must, it is evident, give way. I will maintain the negative on the great principles of the law and the constitution, and prove, that in no one stage of the constitution, were taxation and representation ever separated; and that even in the case of the county Palatines, the very arguments deduced from the exercise of taxing them before they were represented, will incontrovertibly demonstrate, that legislation and taxation are neither co-extensive nor co-equal.

The Earl of *Chatham* replied to the several objections which fell from the lords in administration. He descanted with equal humour and severity upon the very extraordinary logic employed by the noble duke, his *quondam* colleague in office, and very humble servant. The noble duke, said his lordship, is extremely angry with me, that I did not previously consult him on the bringing in the present Bill. I would ask the noble duke, does he consult me, or do I desire to be previously told of any motions or measures he thinks fit to propose to this House? His grace seems to be much offended at the manner this Bill has been hurried. I am certain he could not be serious, if he gave himself a minute to consider how the case really stands. Here we are told that America is in a state of actual rebellion, and we are now arrived at the first of February, and no one step is taken to crush this supposed rebellion: yet, such being the case, I am charged with hurrying matters; but whether my conduct may be more justly charged with hurrying this business into, or his grace with hurrying it out of the House, I believe requires no great depth of penetration to discover. As to the other general objections, I presume it will be recollected, that the last day I submitted the proposition about withdrawing the troops from Boston, I then gave notice that I would present, in a few days, a plan of general reconciliation. Eleven days have since elapsed, and nothing has been offered by the King's servants. Under such circumstances of emergency on one side, when, perhaps, a single day may determine the fate of this great empire, and such a shameful negligence, total inattention, and want of ability on the other, what was to be done? No other alternative, in my opinion, remained, but either to abandon the interests of my country, and relinquish my duty, or to propose some plan, when ministry, by their inaction and silence, owned themselves incapable of proposing any. But even now let them

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speak out, and tell me, that they have a plan to lay before us, and I will give them an example of candour they are by no means deserving of, by instantly withdrawing the present Bill. The indecent attempt to stifle this measure in embryo may promise consequences the very reverse of what I am certain will be the case if the Bill is admitted. The friends of the present amendment may flatter themselves, that the contents of the Bill will sink into silence and be forgotten, but I believe they will find the contrary. This Bill, though rejected here, will make its way to the public, to the nation, to the remotest wilds of America; it will, in such a course, undergo a deal of cool observation and investigation; and whatever its merits or demerits may be, it will stand or fall by them alone; it will, I trust, remain a monument of my poor endeavours to serve my country; and, however faulty or defective, will at least manifest how zealous I have been to avert those impending storms which seem ready to burst on it, and for ever overwhelm it in ruin. Yet, when I consider the whole case as it lies before me, I am not much astonished; I am not surprised, that men who hate liberty should detest those that prize it; or that those who want virtue themselves, should endeavour to prosecute those who possess it. Were I disposed to pursue this theme to the extent that truth would fully bear me out in, I could demonstrate, that the whole of your political conduct has been one continued series of weakness, temerity, despotism, ignorance, futility, negligence, blundering, and the most notorious servility, incapacity, and corruption. On reconsideration, I must allow you one merit, a strict attention to your own interests: in that view, you appear sound statesmen and able politicians. You well know, if the present measure should prevail, that you must instantly relinquish your places. I doubt much, whether you will be able to keep them on any terms: but sure I am, that such is your well-known characters and abilities, any plan of reconciliation, however moderate, wise, and feasible, must fail in your hands. Such, then, being your precarious situations, who can wonder that you should put a negative on any measure which must annihilate your power, deprive you of your emoluments, and at once reduce you to that state of insignificance, for which God and nature designed you?

Earl *Gower* answered with strong marks of resentment. He said, let the Bill make its way where it might, he was ready to abide the consequences; that he did not doubt but sufficient industry would be exerted to circulate its contents; and that however zealous some persons might be to inflame the people both here and in America, it should not have the least effect on his conduct. He was determined to adhere to the true interests of his country and the dignity of parliament; and to stand with them to the last, or perish in the ruins; nor should the terrors of the block itself oblige him to change his purpose. As to the general charges thrown out against administration by the noble earl, it was time enough to answer them, when he pointed them in such a manner as to call for defence or explanation; that till then they were unworthy of reply, as the persons included in such a censure only shared the fate of all other administrations he ever remembered, since his first knowledge of public business, his lordship having uniformly condemned them, though he afterwards thought proper to act with their authors; and if the noble earl's age did not stand in the way, he had no doubt but that, on the present occasion, his lordship would give one more proof of his change of sentiment, by warmly espousing the very measures he now so loudly condemned.

The Earl of *Hillsborough* was severe on the noble framer of the Bill. He spoke fully on legislation, as involving in it every possible power and exercise of civil government. He contended, that his lordship's computation of the numbers in America, who were ready to dispute the supremacy of parliament, was extremely erroneous; that if that country contained three millions of people, he would be bold to say, from his own certain knowledge of their temper and disposition, that one third at least were willing to submit to the parliament of Great Britain; that out of the remainder, the women, children, and old men, could not be deemed fit to bear arms; so that the noble earl's facts were no less erroneous than his arguments, when he said, that three millions of men, with arms in their hands, would never consent to be taxed by the legislature of this country. He next endeavoured to correct a mistake of the same noble earl, where he asserted, that French America took 40,000 men to reduce it; being satisfied, he said, that at no one time were there above 12,000 regular troops em-

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ployed on that service. He next defended the Declaratory law, but insisted, that it conferred no new right, for if it had never passed, the legislative supremacy of parliament would have remained the same: and concluded with holding out the favourable disposition of administration towards the colonies, when they manifested a suitable temper on their part, which could never be till they submitted to the great constitutional claims of the British legislature.

The Duke of *Richmond* took a comprehensive view of the question. He examined the Bills mentioned in the claim of rights, one by one, and shewed with great ability the foundations on which they rested. He dwelt particularly on the Acts for establishing courts of Admiralty, and for altering the charter of the Massachuset's Bay. He said, the former erected a jurisdiction, the judges of which were interested in the decision; and the latter, under the colour of constituting juries, on the plan of those in England, lodged the power of selecting persons fit to serve, in an officer called a sheriff, it was true, but an officer, at the same time, as little known in our constitution as any Turkish or Russian magistrate: an English sheriff being irremoveable by any power under heaven, but for malversation in his office, while a sheriff in the province of Massachuset's Bay is to be removable by his Majesty, his governor, or deputy governor: by which means the executive power has virtually the appointing of juries, and consequently the lives, fortunes, and personal liberty of the subjects of that province totally at their disposal and mercy; a state of subjugation, he hoped, no Englishman would ever be so mean, slavish, or servile to submit to. He then insisted that the administration had uniformly, for a number of years back, endeavoured to deceive the colonies; that they had so repeatedly violated their most solemn promises, that all confidence was at an end: that out of numberless instances he should only select one, which was the letter written by the very noble earl himself, (earl of Hillsborough) accompanying the Revenue Act, wherein he pledged himself, by the most solemn assurances, that they were mere matter of form, and were meant to be immediately repealed, being intended as a nominal assertion of the Declaratory law passed in 1766. [Here his grace was called to order by the earl of Hillsborough, who insisted, that the promise contained in the letter was not broken. His grace contended it was, and said he would appeal to the letter itself, which he desired might be read. It was not however read.] His grace proceeded to recount the particulars relative to that transaction, how the duties on paper, painters' colours, and glass were repealed, in a pretended performance of that promise, while that on tea, the cause of all the present confusions, was continued. He then turned to the avowed firmness of a noble earl, high in office, (earl Gower) who seemed so willing to court danger, to face the block, and fall with the ruins of the constitution, or triumph in its constitutional maintenance. He comforted the noble earl with the strongest assurances of his being in no danger; for it was easily avoided, by only at a convenient time altering his opinion; to prove which, he would take the liberty of adverting to a particular fact, which came within his own knowledge. And then he jocularly observed, that however small the minority might appear on the present question, he had seen as small hourly increase till it became the majority; and then told the following anecdote, which happened when lord Bute was at the head of the Treasury, to prove it: "I remember, said his grace, at that period, a Bill was brought into this House to prevent the members from being screened from their debts;—I heartily acceded to this Bill upon principle, and had the honour of being joined by the noble lord then at the head of the Treasury. On the division the Noes as usual went below the bar; when, missing their leader, they turned short, and were much surprised to see him on the other side. The late Charles Townshend remarked upon this circumstance, that he would hold two to one, in less than a year those very members who divided against him, would creep under the table to join him. Had he been taken up he would have won his wager." He next reminded the noble earl (Gower) of an instance of his docility, which came more directly home to him, as being personally concerned. It was in the year 1766, before Christmas, when a noble friend of his (the late duke of Bedford) made a motion for taking into consideration the state of the nation. He doubted not but the noble earl was to the full as ready to face the block then as now, in support of what he deemed his duty; but what was the consequence? The noble earl, the author of the present Bill, having in the interim met him at Bath,

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and having had some conversation with him, the parliament was adjourned to the day after the state of the nation was to be taken into consideration; all enquiry was at an end, and the nation left to shift for itself.

The Duke of *Manchester* lamented, in a very sensible manner, the present situation of affairs, and the dangerous consequences of a civil war, which he feared would terminate as the social war among the Romans did, in the inevitable destruction of the whole empire. He was moderate, pathetic, and drew the attention of every side of the House. He did not pretend to determine on the contents of the present Bill, nor adopt it throughout; all he wished was, that one sober view should be taken of the great question, before perhaps we blindly rushed into a scene of confusion and civil strife, the event of which it was impossible to foresee.

Earl *Temple* said, that he had never given, in public or private, a decided opinion, whether it was wise or not to pass the Stamp Act; but that he was abundantly convinced that all the evils and distractions now complained of, were derived from the fatal repeal of it; that the bills of last year were more exceptionable as to the mode than as to the matter. He said nothing with regard to the contents of the Bill which had been read, and finished with expressing his disapprobation of rejecting in so harsh and unprecedented a manner, a Bill designed for the most salutary purposes, and presented to their lordships, by a hand so truly respectable as that of his noble friend and relation: this reason alone deciding upon his vote.

The debate lasted till almost ten o'clock, when the question being put, there appeared for the earl of Sandwich's Amendment, Contents 61, Non-contents 32; so that the Bill was rejected.*

List of the Minority.

DUKES.	Fitzwilliam
Cumberland	Temple
Richmond	Radnor
Devonshire	Spencer
Portland	Chatham.
Manchester	LORDS.
Northumberland.	Abergavenny
MARQUISS.	Ferrers
Rockingham.	Craven
	Romney
EARLS.	King
Stamford	Fortescue
Abingdon	Ponsonby
Scarborough	Lyttelton
Cholmondeley	Wycombe (Earl of Shelburne)
Stafford	Sondes
Tankerville	Milton
Stanhope	Camden.
Effingham	

Debate on Mr. Alderman Sawbridge's Motion for a Bill for shortening the Duration of Parliaments.] Feb. 1. Mr. Alderman *Sawbridge* moved for leave to bring in a Bill for shortening the Duration of Parliaments. He said he declined entering into a detailed view of the question, or minutely taking it in the several striking lights in which it presented itself. He adverted to the leading characteristics of some former parliaments; the tyrant Henry the eighth's were servile; that of 1641 a violent assembly; the long one of Charles the second was aptly distinguished by the name of the Pensioned Parliament: but all those several qualities of servility, violence, and prostitution, were at once united in the last. He could not, he said, as yet venture to pronounce on the complexion of the present, but he was afraid it would prove itself the true offspring of its imputed political father, the minister; if so, he had very little good to expect from it.

Mr. Alderman *Oliver* seconded the motion, with a short speech on the evil tendency of long parliaments.

* On the 10th of February, the Corporation of the City of London came to the following Resolution:

"That the thanks of this court be given to the right hon. the earl of Chatham for having offered to the House of Lords a plan for conciliating the differences which unfortunately subsist between the administration in this country and its American colonies; and to all those who supported that noble lord in so humane a measure."

The Town Clerk having waited on lord Chatham with the above Resolution, his lordship returned the following Answer:

"Lord Chatham desires the favour of Mr. Town Clerk to offer my lord mayor, the aldermen, and commons, in common council assembled, his most respectful and grateful acknowledgments for the signal honour they have been pleased to confer on the mere discharge of his duty, in a moment of impending calamity. Under deep impressions of former marks of favourable construction of his conduct, during the evil hour of a dangerous foreign war, he now deems himself too fortunate to find his efforts for preventing the ruin and horrors of a civil war approved, honoured, and strengthened by the first corporate body in the kingdom."

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The Lord Mayor, Mr. *Wilkes:*

Sir; the question now before the House has been so frequently and so ably spoken to by the hon. gentleman who made the motion, and is in general so perfectly understood, that I shall trouble you with little more on this occasion than to return him my hearty thanks for his truly patriotic endeavours and noble perseverance in a business of this importance. Frequent parliaments, Sir, are the ancient constitution of England, and the right of the people to them arises from the nature of all delegated power, and the necessity of a controul. If a representative in the first session of a parliament acts contrary to the duty of the trust reposed in him, is it fit that his constituents should be compelled to wait till the end of a tedious period of seven years before they can have an opportunity of depriving him of a power, which he so early abused? I think the case now mentioned actually exists in the very dawn of this new parliament. Several gentlemen have talked of the last parliament in the terms of reproach and indignation which that profligate assembly most justly merited. I fear, Sir, the present parliament are treading in the same steps, which conducted their immediate predecessors to the utter hatred of the nation. They seem to advance with giant strides to a like detestation from this age, and from all posterity. The people without doors, especially in the capital, make no scruple to affirm that the majority of this House have even thus early, in one great instance, acted contrary to the plain duty, which they owe to their country, and to the sacred trust reposed in them. I allude, Sir, to the contempt shewn of the Petition* of so respectable a body as the merchants of the city of London trading to North America. This the majority have done in defiance of all decency, and of the great principles of the constitution. I am sorry to observe, that the alarm is already become general, that from this early abuse of their trust, the delegated powers, which the same men have so lately received for the security and preservation of the rights of their constituents, will be employed through a course of the next seven years for our destruction, and that of our fellow-subjects in America, unless the excellent motion of the hon. gentleman should arrest them in their career.

A new argument, Sir, in favour of the motion in your hand seems at this time to arise from the nature of most of the Petitions complaining of undue elections, which have been presented to us in this first session of the parliament. The general complaint is that of bribery and corruption. Short parliaments, Sir, if they did not totally eradicate this most pernicious practice, must necessarily diminish the evil in no small degree. By the frequent return of appeals to the people, the public money in the minister's hands would not be found always adequate to the crooked counsels of an insidious court, nor to a determined purpose of regularly counteracting the wishes of a nation. The floodgates of the treasury, however widely opened, would on such repeated occasions scarcely afford torrents copious and impetuous enough to carry away all sense of duty to the constitution, all regard to the laws and liberties of the country. If this House were elected for a short term only, a commerce of corruption between the minister and the representative could not grow up to acquire the strength and consistency which is given by a period of seven years security, and independency on the power by which we were created.

I beg the indulgence of the House, Sir, for only one more short observation. This motion strikes me as a kind of parliamentary test, which brings every thing home to our consciences. It cannot fail of meeting in this House the support of all the true friends of the ancient constitution of England, of all who mean to act honestly, for they run no risk. They are sure of the applause, and free choice of their constituents, on every fresh appeal. The venal and interested, all who think lightly of their ties and obligations to their masters, and do not hold themselves bound to hear and redress the injuries of the nation which they represent, but are regardless of the feelings of the people, intent only on the public plunder; all these have their terrors, and certainly not ill-grounded, on the first suggestion of an appeal to their constituents. From such men only, an opposition to this motion is to be expected. The representative who is conscious of having merited well of his constituents, will always rejoice at the opportunity of applying for frequent proofs of their regard and trust; will desire, will earnestly solicit, this appeal; while the man who has acted contrary to the clear dictates of his duty, and betrayed his

* See p. 168, of the present volume.

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trust, will naturally dread every such occasion, will tremble even at the distant view of the spirited indignation, with which he would be rejected. A guilty mind, Sir, frequently braves the silent reproaches of a wounded conscience, but can seldom bear up against that public contempt and infamy which I trust will always pursue parliamentary prostitution.

Mr. *Moysey* entered into a clear and substantial investigation of the question, took notice of the efforts made by the great constitutional Whigs immediately after the Revolution, to obtain the triennial law; of the great benefits derived from that law, during a course of upwards of 20 years, and the great political motives which produced its repeal in the first year of George the first. He said those motives originated in temporary expediency; that the measure was consented to on the principle of immediate preservation and state necessity; and as those causes no longer subsisted, every colour of reason and argument for retaining septennial parliaments must fall with the motives which gave birth to them.

Mr. Serjeant *Glynn* contended that the present mode of convening parliaments was repugnant to the great principles of the constitution, and would in the end, he predicted, be destructive of the constitution itself.

The House divided. The Yeas went forth.

Tellers.

Yeas	Mr. Ald. Sawbridge Mr. Ald. Oliver	100
Noes	Colonel Egerton Mr. Cooper	195

So it passed in the negative.

Petition of the West India Planters to the Commons respecting the American Non-Importation Agreement.] Feb. 2. A Petition of the planters of his Majesty's sugar colonies residing in Great Britain, and of the merchants of London trading to the said colonies, was presented to the House, and read; setting forth,

"That the petitioners are exceedingly alarmed at an Agreement and Association entered into, by the congress held at Philadelphia, in North America, on the 5th of Sept. 1774, whereby the members thereof agreed and associated, for themselves and the inhabitants of the several provinces lying between Nova Scotia and Georgia, that from and after the 1st of Sept. 1774, they would not import into British America any melasses, syrups, paneles, coffee, or piemento, from the British plantations; and that after the 10th of Sept. 1775, if the Acts and the parts of the Acts of the British parliament therein mentioned, are not repealed, they would not directly, or indirectly, export any merchandize or commodity whatsoever to the West Indies; and representing to the House that the British property in the West India islands amounts to upwards of 30 millions sterling; and that a further property of many millions is employed in the commerce created by the said islands, a commerce comprehending Africa, the East Indies and Europe; and that the whole profits and produce of those capitals ultimately center in Great Britain, and add to the national wealth, while the navigation necessary to all its branches, establishes a strength which wealth can neither purchase nor balance; and that the sugar plantations in the West Indies are subject to a greater variety of contingencies than many other species of property, from their necessary dependence on external support; and that therefore, should any interruption happen in the general system of their commerce, the great national stock thus vested and employed must become unprofitable and precarious; and that the profits arising from the present state of the said islands, and that are likely to arise from their future improvement, in a great measure depend on a free and reciprocal intercourse between them and the several provinces of North America, from whence they are furnished with provisions and other supplies absolutely necessary for their support and the maintenance of their plantations; and that the scarcity and high price, in Great Britain and other parts of Europe, of those articles of indispensible necessity, which they now derive from the middle colonies of America, and the inadequate population in some parts of that continent, with the distance, danger, and uncertainty, of the navigation from others, forbid the petitioners to hope for a supply in any degree proportionate to their wants; and that, if the first part of the said Agreement and Association for a non-importation hath taken place, and shall be continued, the same will be highly detrimental to the sugar colonies; and that, if the second part of the said Agreement and Association for a non-exportation shall be carried into execution, which the petitioners do firmly

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believe will happen, unless the harmony that subsisted a few years ago between this kingdom and the provinces of America, to the infinite advantage of both, be restored, the islands, which are supplied with most of their subsistence from thence, will be reduced to the utmost distress, and the trade between all the islands and this kingdom will of course be obstructed, to the diminution of the public revenue, to the extreme injury of a great number of planters, and to the great prejudice of the merchants, not only by the said obstruction, but also by the delay of payment of the principal and interest of an immense debt due from the former to the latter; and therefore praying the House, to take into their most serious consideration that great political system of the colonies heretofore so very beneficial to the mother country and her dependencies, and adopt such measures as to them shall seem meet, to prevent the evils with which the petitioners are threatened, and to preserve the intercourse between the West India islands and the northern colonies, to the general harmony and lasting benefit of the whole British empire; and that they may be heard, by themselves, their agents, or counsel, in support of their Petition."

Ordered to be referred to the consideration of the committee on the Petition of the merchants of London, concerned in the commerce of North America.

*Debate in the Commons on an Address to the King upon the Disturbances in North America.**] Feb. 2. The House resolved itself into a Committee of the whole House,† to consider of the several Papers presented to the House, by his Majesty's command, relative to the Disturbances in North America.

Lord *North* recapitulated the information contained in the papers; discriminated the temper of the colonies; pointed out those where moderation prevailed, and where violence was concealed under the appearance of duty and submission; and named such as he thought were in a state of actual rebellion. He spoke of arts which he asserted were employed on both sides the Atlantic to raise this seditious spirit. He drew a comparison between the burdens borne by the people of Great Britain and those of America. The annual taxes paid by the inhabitants of Great Britain, he said, amounted to ten millions sterling, exclusive of the expences of collection; and the number of inhabitants of Great Britain he supposed to be eight millions, therefore every inhabitant paid at least 25 shillings annually. The total taxes of the continent of America amount to no more than 75,000*l.*; the number of inhabitants of America were three millions, therefore an inhabitant of America paid no more than sixpence annually. He then proceeded to lay down the legislative supremacy of parliament; stated the measures adopted by America to resist it, and the almost universal confederacy of the colonies in that resistance. Here, he said, he laid his foot on the great barrier, which separated, and for the present disunited both countries; and on this ground alone of resistance and denial, he raised every argument leading to the motion he intended

* Previous to the debate, the avenues leading to the House were so extremely crowded, that there was not room for the members to pass. Complaint being made, the lobby and the gallery were cleared, and none were allowed to remain, the Irish members excepted.

† Mr. Gibbon to Mr. Holroyd. Boodle's, Jan. 31, 1775. "Sometimes people do not write because they are too idle, and sometimes because they are too busy. The former was usually my case, but at present it is the latter. The fate of Europe and America seems fully sufficient to take up the time of one man; and especially of a man who gives up a great deal of time for the purpose of public and private information. I think I have sucked Mauduit and Hutcheson very dry; and if my confidence was equal to my eloquence, and my eloquence to my knowledge, perhaps I might make no very intolerable speaker. At all events, I fancy I shall try to expose myself:

'Semper ego auditor tantum? Nunquamne reponam?'

For my own part, I am more and more convinced that we have both the right and the power on our side, and that, though the effort may be accompanied with some melancholy circumstances, we are now arrived at the decisive moment of preserving, or of losing for ever, both our trade and empire. We expect next Thursday or Friday to be a very great day. Hitherto we have been chiefly employed in reading papers, and rejecting petitions. Petitions were brought from London, Bristol, Norwich, &c. framed by party, and designed to delay. By the aid of some parliamentary quirks, they have been all referred to a separate inactive committee, which Burke calls a committee of oblivion, and are now considered as dead in law. Our general divisions are about 250 to 80 or 90." Gibbon's Miscellaneous Works, vol. 1, p. 488.

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to make; which he said would be for an Address to the King, and for a conference with the Lords, that it might be the joint address of both Houses. He hinted, that the measures intended to be pursued, in case the King should comply with their address, were, to send more force; to bring in a temporary Act to put a stop to all the foreign trade of New England, particularly to their fishery on the banks of Newfoundland, till they returned to their duty; at the same time declaring that whenever they should acknowledge the supreme authority of the British legislature, pay obedience to the laws of this realm, and make a due submission to the King, their real grievances, upon their making proper application, should be redressed. His lordship observed, that the other colonies were not so culpable, and he hoped might yet be brought to a sense of their duty to the mother country by more lenient measures. The question, he said, lay within a very narrow compass: it was simply, whether we should abandon this claim, and at once give up every advantage arising both from the sovereignty and the commerce, or to ensure both? Or whether we should resort to the measures indispensably necessary on such an occasion? He concluded with moving,

"That an humble Address be presented to his Majesty, to return his Majesty our most humble thanks, for having been graciously pleased to communicate to this House, the several papers relating to the present state of the British colonies in America, which, by his Majesty's commands, have been laid before this House, and from which, after taking them into our most serious consideration, we find, that a part of his Majesty's subjects in the province of the Massachuset's Bay have proceeded so far to resist the authority of the supreme legislature, that a rebellion at this time actually exists within the said province; and we see with the utmost concern, that they have been countenanced and encouraged by unlawful combinations and engagements, entered into by his Majesty's subjects, in several of the other colonies, to the injury and oppression of many of their innocent fellow subjects resident within the kingdom of Great Britain and the rest of his Majesty's dominions; this conduct on their part appears to us the more inexcusable, when we consider with how much temper his Majesty and the two Houses of Parliament have acted, in support of the laws and constitution of Great Britain; to declare that we can never so far desert the trust reposed in us, as to relinquish any part of the sovereign authority over all his Majesty's dominions, which by law is vested in his Majesty and the two Houses of Parliament; and that the conduct of many persons, in several of the colonies, during the late disturbances, is alone sufficient to convince us how necessary this power is, for the protection of the lives and fortunes of all his Majesty's subjects; that we ever have been, and always shall be, ready to pay attention and regard to any real grievances of any of his Majesty's subjects, which shall in a dutiful and constitutional manner be laid before us; and whenever any of the colonies shall make a proper application to us, we shall be ready to afford them every just and reasonable indulgence; but that, at the same time, we consider it as our indispensable duty, humbly to beseech his Majesty, that his Majesty will take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature; and that we beg leave, in the most solemn manner, to assure his Majesty, that it is our fixed resolution, at the hazard of our lives and properties, to stand by his Majesty, against all rebellious attempts, in the maintenance of the just rights of his Majesty and the two Houses of Parliament.

Mr. *Dunning*:

Sir; the noble lord has endeavoured, by every light into which he can throw the question, to prove that the resistance of the Americans, though it has gone no further than votes and resolutions, is actual and open rebellion; and we are to come to a resolution declaratory of the same idea; I think, Sir, that there is no difficulty in proving the direct contrary position; that the Americans are not in rebellion, that the votes and resolutions of the several congresses, both provincial and continental, are decent and moderate, though firm declarations of the estimation in which liberty ought to be held, and tempered with the highest expressions of loyalty and duty to their sovereign. Against what is it that they rebel? Do they deny allegiance to his Majesty? Are they in arms in opposing the King's troops? By what explanation, or by what misconception their conduct is now to be branded with so violent and so fatal an epithet, I cannot apprehend. You passed Acts in the last session, which, in-

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stead of governing America, carried tyranny into the bowels of America, and overturned all legal constitution in one of their provinces; and you utterly ruined the capital of the empire in that part of the world, by way of punishing the insolence of a mob. You executed those Acts by force of arms; the people of the colonies thinking themselves tyrannically used, and conceiving that the nature of their dependency upon the parliament of Great Britain was not well understood, on either side of the water, in order to treat with this country upon such momentous points, convened a general congress; the deputies met in that congress, came to resolutions declaratory of their ideas of their submission unto Britain, full of duty and allegiance to the King, and respect towards parliament; but as all free countries have licentious subjects, and freedom in that country is attended with licentious news-papers, we, the parliament of Great Britain, are to overlook the conduct of the congress, and search for proofs of rebellion among the American mobs and colony news-papers, which have actually been laid before us as state papers, upon which we are to form our resolutions; yet in the action of those mobs, and in the expressions of these news-papers is not rebellion to be found. And it must be by the most sophistical of all arguments, that such a deduction is to be drawn; a people governed by a constitution subordinate to our own, but the extent and powers of which are unknown even to ourselves, professing the utmost loyalty and obedience to the King, and using no violence against his troops, nor being any where in arms, cannot, but by the utmost perversion of sense and expression, be denominated rebels. I insist that America is not in a state of rebellion. I insist that every appearance of riot, disorder, tumult, and sedition which the noble lord has so faithfully recounted from news-papers, arises not from disobedience, treason, or rebellion, but is created by the conduct of those, who are anxious to establish despotism; and whose views are manifestly directed to reduce America to the most abject state of servility, as a prelude to the realizing the same wicked system in the mother country.

Mr. Attorney General *Thurlow:*

Sir; the hon. and learned gentleman has greatly exerted his eloquence in order to prove, that the present situation of the Americans is not that of rebellion. The error of this idea is pointed out, by simply recurring, not to the elaborate arguments of so learned a gentleman, but to the deduction of common sense only. The several provincial meetings have ordered an arrangement of the militia; that the fensible men hold themselves armed, accoutred, and ready for actual service; that thirty rounds of powder and ball be provided. And the inhabitants of the colonies are so alert in obeying these orders, that they go beyond their commission, and seize upon the King's artillery and stores; the whole continent joining in one universal voice of disobedience to the legislature of this country. Now, Sir, if this is not rebellion, I desire the learned gentleman will explain what is rebellion. Throwing the stress of his argument on the point of proving that the colonists situation is not that of rebellion, is implying that the present proposition is wrong, only on that account; and admitting, that if they were in rebellion, the present measures would be perfectly right. By every principle of policy, we ought to render ourselves as secure as possible; and if we heard that such menacing circumstances as I have mentioned were breaking out in Scotland, in Ireland, or Cornwall, would not the ministry deserve impeachment, if they took no previous measures to smother those seeds of rebellion before they grew up too powerful for resistance. Should they wait till all the parties had joined, and were on one march to London? The cases are similar: if the colonists are allowed to proceed, they join in one powerful army, to resist which will be more difficult, and attended with more mischief, than to prevent the evils of such a campaign by vigorous measures, before their forces are in the field: I speak openly upon this point, because I am convinced their intentions are to open hostility against the troops, and to become independent of this country; and nothing can prevent their throwing off their allegiance, and becoming independent states, and this country losing all the commercial advantages from them she ever enjoyed, but a vigorous adherence to the measures now proposed.

Colonel *Grant* said, he had served in America, and knew the Americans well, was certain they would not fight. They would never dare to face an English army, and did not possess any of the qualifications necessary to make a good soldier;

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he repeated many of their common place expressions, ridiculed their enthusiasm in matters of religion, and drew a disagreeable picture of their manners and ways of living.

Mr. *Charles Fox* spoke better than usual. He entered fully into the question; pointed out the injustice, the inexpediency and folly of the motion; prophesied defeat on one side the water, and ruin and punishment on the other. He moved an Amendment to omit all the motion, but the three or four first lines, and to substitute the following words: "But deploring that the information which they (the Papers) have afforded, serves only to convince the House that the measures taken by his Majesty's servants tend rather to widen than to heal the unhappy differences, which have so long subsisted between Great Britain and America, and praying a speedy alteration of the same."

Mr. *Grenville* spoke well in support of the legislative power and controuling supremacy of parliament; but entirely disapproved of the present measures, as every way improper, intemperate and impolitic.

Mr. *Cruger* said, though interested as he was in the business before the House, he should have remained silent, had he not conceived that an hon. gentleman (col. Grant) had thrown some undeserved reflections on the Americans, which he should take some notice of before he sat down, but that he chose first to pay a little attention to the general business. He observed, that the dispute between this country and her colonies was of such infinite importance to both, that he hoped he should be forgiven if he said it would be imprudent to enter into it, but with the utmust caution and deliberation; that we were now like men walking on the brink of a precipice; that there was danger in every step, and that in his opinion the salvation of this country depended on the measures that were adopted by the House this night. He then apprized the House that the settlement of the unhappy disputes between England and America did not particularly concern any set of men, whether in or out of administration; that it related to all, was connected with all, and materially affected the interests of the whole state. He then strongly recommended to all parties to go into an examination of the question, free from resentment or prejudice; to consider it with impartiality, to discuss it with temper, and to adopt with unanimity any salutary proposition, regardless of the man or party that may suggest it. He then endeavoured to vindicate the Americans, both as to their courage and gallantry, (in opposition to the assertions of the colonel;) the latter he did with much good humour and pleasantry, but lost his temper in the former, became personal, and was called to order. He concluded with saying, that as many schemes of accommodation were talked of, he earnestly wished that some one might be adopted which would tend to restore the harmony and affection that once subsisted between Great Britain and her colonies, and produced so many invaluable blessings to both.

Captain *Luttrell*. Notwithstanding the variety of opinions, information, and arguments, we have heard from the different parts of this House, in the course of the several debates respecting our differences with America, I fear, if we venture to consider them in a right point of view, we shall find they have put this country into a situation we are not yet sufficiently aware of, but which requires a very serious attention. Sir, I know it is unfashionable, and by some it will be reckoned troublesome, to talk of our marine in parliament in times of peace; but after the recent proof we have had of the good disposition of a great majority of the Commons of England towards it, I have no doubt but they will cheerfully listen to the concerns of the navy; and as the papers now lying before us make it very materially necessary for me to mention them, I must risk the displeasure of a few individuals, who perhaps from interest or iniquity have shewn an inclination to keep us in the dark. Sir, I congratulate administration upon the safe arrival of one half of captain Le Crass's squadron at Boston, because it is attended with this fortunate circumstance, that we know where to find those ships, and so have the power to recall them from a country where they must prove totally useless to one that may possibly need their protection. Sir, it seems to me very unaccountable, for what useful purposes these two deck ships could be sent to Boston, though I did indeed expect in the course of the correspondence between vice-admiral Graves and the board of Admiralty, some plausible excuse would have been offered us for disarming this country. But though, Sir, in this respect, and many others, these letters convey but very limited and insufficient information, they at

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least tend to authenticate my assertions. For, Sir, admiral Graves, in the very curious accounts he gives us of his situation in his letters to Mr. Stephens, observes, [Here he read several extracts from the American Letters] that the only part of the fleet he can employ in actual service, is the 20 gun ships and small crafts; for which reason he has been obliged to purchase several schooners to perform the King's service; that the rest of the fleet are frozen up, and reduced to act upon the defensive. But, Sir, I must request, that the letter of the 14th of January, from the lords of the Admiralty to the earl of Dartmouth, may be read. Now, Sir, I believe there is not a member in this House, that would not expect, as much as I did, that the information alluded to in that letter, and the correspondence said to accompany it, should of course follow; and I had indeed some curiosity to see by what magic art the admiral could station and dispose of a fleet, which according to his account, and my belief, may be long since locked up in the ice, and attackable from the shore. Loaded waggons have been known to pass upon the ice at Boston at this season of the year. But, Sir, not one line of this information is laid before us, though it clearly relates to matters of fact, not of opinion. I conclude there are reasons of state for suppressing it, and therefore shall make no comments on the subject. The House will draw their inferences; I, as a seaman, know how to draw mine. Sir, if the epithet of traitor be applicable to him who feels for the commerce and persecutions of America, I think the English language wants a name for that man, who knowingly and wantonly disarms this country, with no better view, nor no other hope, than to destroy her colonies. The Americans, however, feel this consolation, that every ship and every regiment you send to Boston, serves but to add strength to their cause; for without much pretension to prophecy, I think I may venture to foretel, that the history of these dissentions will be similar to that in the reign of queen Elizabeth, when the troubles subsisted in Ireland. Sir, the queen, as impatient to subdue the Irish as you have been the Americans, sent a large army into that country: and did it immediately answer the end proposed? By no means, the Irish continued to gain strength daily; insomuch, that the queen demanding of her ministers to know the cause of it, received for answer, that her majesty's army being there was the true reason; for that their money had found its way into the country, which not only enabled her opponents to purchase ammunition, and all sorts of warlike stores, but even to hire foreign officers to act against her. Sir, let us look towards America, and see if this anecdote is not applicable to the present times. But, Sir, I must express my surprise, when I consider our insular situation, and the true interest of this great commercial country, at the precipitate and indecent manner in which the reduction of the navy at this important crisis was determined on. Sir, a partial letter produced from one of the ports, not the most considerable one neither, and a lumped account of a supposed number of seamen in that country, or in this, was all the information the House seemed entitled to, to enable us to judge of the eligibility of reducing our naval force; but it is true, a certain noble lord did afterwards condescend to re-assume the subject, though in a language which appeared to me strange and ungracious. Sir, his lordship congratulated us upon being able to reduce the navy establishment to that of the year 1769; but, Sir, he very ingeniously forgot to remind us, that there are 1,600 effective men gone in four large ships towards America, which are the complement of five sail of guard-ships, so that though the establishment be the same, our naval force at home is already a quarter-part inferior to what it was in 1769; and, Sir, I am sorry to see this reduction made at a time when, I believe, it is pretty well known that the Spaniards maintain a large fleet, under pretence of being at war with the emperor of Morocco; and that the French, without paying them much compliment, are not less formidable in these seas than we are; for, Sir, from the best accounts I can procure at the different ports, the numbers of seamen and marines left for the defence of this country, on board the several guard-ships and at quarters, do not exceed 6,500 effective men, out of the 20,000 voted last year by parliament; how many of the remainder are in other parts of the world, is neither possible nor necessary for me to determine. But, Sir, in this situation, is it sensible, is it politic, nay, is it safe, to pursue such coercive measures as, in my opinion, could only be justified if America and Great Britain were contending for the sovereignty of another empire? Are we sure,

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Sir, a desperate people, made so by persecution and oppression, will not commit a desperate act; and, in imitation of ourselves in former times, sue to some other power for protection? Can we believe, Sir, that the French and Spaniards will look any longer with an eye of indifference on these disputes, than may be consistent with their interest to do so; or that they have not, at this very hour, priests and emissaries in America, aided perhaps by your new Roman Catholic subjects, to blow the coal of contention between America and this country? Do we not know, Sir, that the Spaniards have never abandoned the claim they set up to Jamaica; and may we not expect, from their conduct at Falkland's Island, they wait such a favourable opportunity as this to commence hostilities against us? Or can we believe that the French will ever forget the manner in which you made reprisals, previous to the commencement of the late war? I fear indeed we are about to pursue an effectual, unconquerable, though unconstitutional method, to lay a permanent embargo on our trade; but it is still possible that the French, by way of reciprocity, may insult your coasts, while great part of your fleet is frozen up in a distant country. But, Sir, I must do the noble lord on the opposite bench, the justice to say, that he has been uniformly explicit in his principles respecting the navy; he tells us to be jealous of it; that it is the favourite service, and that we must be cautious not to bestow too much upon our fleet. Alas, Sir, the officers of the navy know, by experience, that under the present administration, there is little prospect of either honours or emoluments being bestowed on their service that need create a jealousy; though, Sir, I am aware it may be accounted ungrateful if I omit to acknowledge those very high and distinguished marks of his Majesty's favour, conferred on a late memorable occasion; no doubt at the recommendation of the ministers too, upon some of the oldest flag officers and most respectable characters in the English navy; Sir, I mean the honour of knighthood. Such flattering testimony of royal approbation, I admit was sufficient to create a sort of jealousy wherever the news went forth. Sir, those dignified characters will undoubtedly command uncommon respect both abroad and at home. The event has given a consequence to the naval service, and the youth of it look up with emulation to those high honours they may possibly arrive at, on the close of a life of danger and fatigue, spent in the service of their country. But, Sir, I marvel not at this, because the noble lord upon a former occasion, was pleased to tell us, that the question with him was, how cheap we could be served? Sir, such an expression might possibly be well adapted to a parcel of Hessians, for I would give his lordship's œconomy all due credit where it was consistent with the honour and safety of the nation; and it might probably prove useful to this country if he will extend them to the civil as well as the military departments of the state. Then, Sir, on a fair investigation of the merits, should it appear that the navy and army receive more than a proportionable share of the loaves and fishes, let a part of them be appropriated to the inestimable services of the lords of Treasury, Admiralty and Trade. Sir, I think the noble lord who moved this Address has ventured to assert, that administration have a plan to intercept the trade of the Americans by means of our fleet cruizing on their coast. Now, Sir, I can divine but one source from whence such an idea can posssibly spring; and if I am right in my suggestion, I must dread the future consequences of a certain summer excursion. Sir, I have long been aware that they are attended with a very great and unnecessary expence to the public, and that the honours of the flag have been shamefully prostituted to the supercilious vanity of those who, as individuals, are by no means entitled to the distinctions they have desired and exacted. But, Sir, I have hitherto considered these naval expeditions to be more like the pageantry of the luxurious queen of Egypt on the Cydnus, than like a serious and official inspection into the real state of our marine. If, Sir, however, from exploring our cold shore, a judgment has been formed of the frozen coasts of America, I fear we shall, ere long, experience the fatal consequences of such a conjecture. Sir, it is next to impossible that the King's ships should keep the sea in the northern parts of that country, from November to June; and therefore, Sir, however the leaders of government may be disposed towards the officers of the navy, I will entreat them to pay some regard to the safety of the fleet, and a little attention to the situation of this country. Then, I hope, Sir, that both humanity and interest will dictate to them not to sport with the lives of the few seamen now employed.

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Mr. *Cosmo Gordon* was against any compromise or lenient measures with America, until she intirely submitted.

Mr. *Burke*, who was this day much indisposed, laid forth the numerous ill consequences that must inevitably follow—called the present moment the true crisis of Britain's fate, painted the dreadful abyss into which the nation was going to be plunged; called upon the commercial part of the House to rouse themselves at the open declaration of their approaching ruin, and pathetically described to the landed interest the fatal effects that must inevitably reach them.

The *Solicitor General* defended the measure. He gave every allowance for, and paid all deference to, the interests of commerce and manufactures; but contended, that in the present case interests were concerned of yet greater consequence; that all the world must acknowledge that when the clearest rights of the legislative power of a country were invaded and denied, and when in consequence the people so denying were in actual and open rebellion, that then there were points of greater importance to be settled and decided than those of commerce and manufacture. An enemy in the bowels of a kingdom was surely to be resisted, opposed, and conquered; notwithstanding the trade that might suffer, and the fabrics that might be ruined. That descriptions of the immense consequence of our American trade were arguments rather against the opposing members than for them; for the greater the consequence of the commerce, the greater the care ought to be, and the firmer the policy that was to preserve it; that the question was not now the importance of the American colonies, but the possession of the colonies at all.

The House divided upon the Amendment, Ayes 105, Noes 304. The House divided again, upon lord North's motion; for it 296, against it 106.

Feb. 6. The Address being reported to the House,

Lord *John Cavendish* moved that it be recommitted. He strongly recommended the reconsideration of a measure which he deemed fraught with so much mischief: commented on the proposed Address; thought it improper to assert that a rebellion existed; mentioned the insecurity created by the Act for changing the government of Massachuset's Bay; said the inhabitants knew not for a moment under what government they lived. His head and heart combined to deprecate the horrors of civil war, necessarily involving a foreign one also with the combined forces of very powerful nations. He represented the jealousy of our neighbours, from their disgrace and our glory in the last war. If the Americans should hear of our having declared them rebels, and that more force was coming, might they not determine rather to attack a part than wait for the whole? A small rather than a greater number? He stated our domestic situation, our state with the colonies and with foreign powers. He called the attention of the House to the unequal balance of our loss and our gain in the event; in which we might find our revenue destroyed, our trade annihilated, and our empire itself overturned: and if we succeeded in subduing America, we could gain nothing.

Lord *Lumley* seconded the motion. He expressed himself with modesty, handsomely making his youth a personal plea for his wishing the utmost time for re-consideration on a matter so important.

The Lord Mayor, Mr. *Wilkes*, said:*

Mr. Speaker; the business before the House, in its full extent, respecting the British colonies in America, is of as great importance as was ever debated in parliament. It comprehends almost every question relative to the common rights of mankind, almost every question of policy and legislation. I do not mean to enter into so vast, so well-trodden a field. I will confine myself to the immediate business of this day. The Address now reported from the Committee of the whole House appears to be unfounded, rash, and sanguinary. It draws the sword unjustly against America; but before administration are suffered to plunge the nation into the horrors of a civil war, before they are permitted to force Englishmen to sheath their swords in the bowels of their fellow subjects, I hope this House will seriously weigh the original ground and cause of this unhappy dispute, and in time reflect whether justice is on our side, and gives a sanction to the intended hostile proceedings. The assumed right of taxation without the consent of the subject is plainly the primary cause of the present quarrel.

* From the Collection of Mr. Wilkes's Speeches in the House of Commons, printed in 1786.

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Have we then, Sir, any right to tax the Americans? That is the great important question. The fundamental laws of human nature, and the principles of the English constitution, are equally repugnant to the claim. The very idea of property excludes the right of another's taking any thing from me without my consent, otherwise I cannot call it my own. No tenure can be so precarious as the will of another. What property have I in what another person can seize at his pleasure? If any part of my property is subject to the discretionary powers of others, the whole may be so likewise. If we can tax the Americans without their consent, they have no property, nothing they can call their own with certainty, for we might by violence take the whole as well as the part. The words liberty and property, so dear to an Englishman, so pleasing in our ears, would become a cruel mockery, an insult to an American. The laws of society are professedly calculated to secure the property of each individual, of every subject of the state. This point is no less clearly determined by the great principles of that happy constitution under which we live. All subsidies to the crown have always been considered, and expressly declared, to be grants from the commons of the realm, free gifts from the people. Their full consent is stated in the grant. Much has been said of the palatinate of Chester, and the principality of Wales, and the period of their taxation; but, Sir, there is a more remarkable case in point, which alone would determine this question. If gentlemen will search the Records in the Tower, and the Chapel of the Rolls, they will find that the town of Calais in France, when it belonged to the imperial crown of this realm, was not taxed till it sent a representative to parliament. A Thomas Fowler actually sat and voted in this House as a burgess of the town of Calais. From that period, and not till then, was Calais taxed. The Writ out of Chancery, and the Return in the reign of Edward 6, are still extant. I faithfully gave them to the public from attested copies.

It will, I foresee, Sir, be objected, is America then to enjoy the protection of Great Britain, and to contribute nothing to the support of that parent state, which has so long afforded it safety and security, which has carefully and tenderly nursed it to this hour of its present strength and greatness? The Americans themselves have given the fullest answer to this objection, in a manner not to be controverted, by their conduct through a long series of years, and by the most explicit declarations. Equally in words and actions, of the most unequivocal nature, they have demonstrated their love, their ardour, their strong filial piety towards the mother country. They have always appeared ready, not only to contribute towards the expences of their own government, but likewise to the wants and necessities of this state, although perhaps they may not be over-fond of all the proud, expensive trappings of royalty. In the two last wars with France they far exceeded the cold line of prudence. With the most liberal hearts they cheerfully gave you nearly their all, and they fought gallantly and victoriously by your side, with equal valour against our and their enemy, the common enemy of the liberties of Europe and America, the ambitious, faithless French, whom now we fear and flatter. Our Journals, Sir, will bear witness to the grateful sense we had of the important services of our brethren in America, by the great sums we shall find voted to be repaid them for what they expended in the spirited warlike expeditions, which they carried through with equal courage and conduct. The siege and capture of Louisbourg, the various successful operations against the general foe, without the least knowledge, much less participation, on our part, are the fullest proofs of the warm affection of their hearts to this country, and of their readiness to bear more than their share of the public expence and burthen. But, Sir, the whole was the gift of freemen, our fellow-subjects, who feel that they are, and know they have a right to be, as free as ourselves. What is their language even now, at a moment when you are planning their destruction, when you are branding them with the odious appellation of rebels? In the late Petition of the Congress to the King, they declare, 'they are ready and willing, as they ever have been, when constitutionally required, to demonstrate their loyalty to his Majesty, by exerting their most strenuous efforts in granting supplies and raising forces.' This is the unanimous resolution of a Congress, composed of deputies from the several colonies of New Hampshire, Massachuset's Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the counties of Newcastle, Kent, and Sussex on

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Delaware, Maryland, Virginia, and the Two Carolinas.

I have heard, Sir, of a plan of accommodation, which, I believe, would reconcile all differences. But alas! Sir, it does not come from any servant of the crown. It comes from the noble lord, to whom this country has the most essential obligations, to whom it is so highly indebted for its late splendour and glory. The plan is, to assemble another congress in the spring; the parliament of Great-Britain and the deputies of the several colonies to meet together, jointly empowered to regulate the various quotas to be paid by each province to the general treasury of the whole empire. I would in addition to that plan propose, that a regulation, similar to what actually takes place with respect to Scotland, be adopted as to America. The proportion of each colony might be settled according to the land-tax in England, at one, two, or more shillings in the pound. I am not deep politician enough to know what the proportion should be of each province, which will vary greatly in half a century, but I speak of each quota being at all times to be regulated according to the land-tax of this country. The very extensive and flourishing colonies of the Massachuset's Bay, Virginia, and South Carolina, for instance, should contribute more, the smaller and poorer colonies of New Hampshire and New Jersey less; but, Sir, I insist, not a shilling can be taken without their consent. After this day's debate, should the Address now moved for be carried in this House, I greatly fear that not only this wise plan of the noble lord, but every idea of a reconciliation between this country and her colonies, will be utterly impracticable.

The Americans, Sir, have of late been treated, both within doors and without, in a manner, which marks no small degree of injustice, and even a wantonness of cruelty. We have been repeatedly told to-day, that they complain of the Navigation Act, and insist on the repeal of it. We have authentic evidence to the contrary. In the resolutions of the congress, they desire only to be put on the footing they were at the close of the late war, "as to the system of statutes and regulations;" nor among the various Acts, of which they solicit the repeal, have they once mentioned either the Navigation or Declaratory Act. It has likewise been asserted, that they are forward and angry enough to wish to throw off the supremacy of the mother country. Many express resolutions, both of the general congress, and the different provincial assemblies, are the fullest evidence of the sense, which the Americans entertain of their obedience and duty to Great Britain. They are too numerous to be quoted. Their full claim, as stated by themselves, is so explicit and clear, that I beg leave to read it to the House from their Petition to the King. It declares "We ask but for peace, liberty, and safety." Surely, Sir, no request was ever more modest and reasonable, no claim better founded. It expressly mentions; "We wish not a diminution of the prerogative, nor do we solicit a grant of any new right in our favour. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain."

What a contrast, Sir, does this make with the proceedings of administration at home! They are sedulously endeavouring to tear asunder those powerful ties, which have long and happily knit and bound us together.

The Address, Sir, mentions the particular province of the Massachuset's Bay as in a state of actual rebellion. The other provinces are held out to our indignation as aiding and abetting. Many arguments have been employed by some learned gentlemen among us, to involve them in all the consequences of an open, declared rebellion, and to obtain the fullest orders for our officers and troops to act against them as against rebels. Whether their present state is that of rebellion, or of a fit and just resistance to unlawful acts of power, to our attempts to rob them of their property and liberties, as they imagine, I shall not declare. This I know, a successful resistance is a revolution, not a rebellion. Rebellion indeed appears on the back of a flying enemy, but revolution flames on the breast-plate of the victorious warrior. Who can tell, Sir, whether in consequence of this day's violent and mad Address to his Majesty, the scabbard may not be thrown away by them as well as by us; and should success attend them, whether in a few years the independent Americans may not celebrate the glorious æra of the revolution of 1775, as we do that of 1688? The generous efforts of our forefathers for freedom heaven crowned with success, or their noble blood had dyed our scaffolds, like that of Scottish traitors and rebels; and the period of our history, which does us the most honour, would

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have been deemed a rebellion against the lawful authority of the prince, not a resistance authorized by all the laws of God and man, not the expulsion of a tyrant.

The policy, Sir, of this measure I can no more comprehend, than I can acknowledge the justice of it. Is your force adequate to the attempt? I am satisfied it is not. What are your armies? And how are they to be kept up and recruited? Do you recollect that the single province of Massachuset's Bay has at this moment 30,000 men well trained and disciplined? Do you not know that they can bring near 90,000 men into the field? They will do it, when every thing dear to them is at stake, when they have their liberties to defend against cruel oppressors and invaders. You will not be able to conquer and keep even that single province. The noble lord (North) with the blue ribband proposes only 10,000 of our troops to be there, including the four regiments now going from Ireland; and he acknowledges, with great truth, that the army cannot enforce the late act of parliament. Why then is it sent? Boston, indeed, you may lay in ashes, or it may be made a strong garrison; but the province will be lost to you. Boston will be like Gibraltar. You will hold in the province of Massachuset's Bay, as you do in Spain, a single town, while the whole country remains in the power and possession of the enemy. Your fleets and armies may keep a few towns on the coast, for some time at least, Boston, New York, St. Augustine; but the vast continent of America will be irrecoverably lost. A few fortresses on the coast, and some sea ports only, will remain in your possession. All the back settlements will be independent of you, and will thrive in the rapid progression of your violences and unjust exactions on the towns. A new and amazing landed interest will be created. The ancient story of the philosopher Calanus and the Indian hide will be verified. Where you tread it will be kept down; but it will rise the more in all other parts. Where your fleets and armies are stationed, the possession will be secured, while they continue; but all the rest will be lost. In the great scale of empire, you will decline, I fear, from the decision of this day; and the Americans will rise to independence, to power, to all the greatness of the most renowned states, for they build on the solid basis of general public liberty.

I tremble, Sir, at the almost certain consequences of such an Address, founded in cruelty and injustice, equally contrary to the sound maxims of true policy, and the unerring rule of natural right. The Americans will certainly defend their property and their liberties with the spirit of freemen, with the spirit our ancestors did, and I hope we should exert on a like occasion. They will sooner declare themselves independent, and risk every consequence of such a contest, than submit to the galling yoke, which administration is preparing for them. An Address of this sanguinary nature cannot fail of driving them to despair. They will see that you are preparing not only to draw the sword, but to burn the scabbard. In the most harsh manner you are declaring them rebels. Every idea of a reconciliation will vanish. They will pursue the most vigorous measures in their own defence. The whole continent of North America will be dismembered from Great Britain, and the wide arch of the raised empire fall. But I hope the just vengeance of the people will overtake the authors of these pernicious counsels, and the loss of the first province of the empire be speedily followed by the loss of the heads of those ministers who advised these wicked and fatal measures.

Captain *Harvey*. I shall make no apology for intruding on the time of the House, because I think it a duty incumbent on every man, who has the welfare of his country at heart, to speak out on this occasion, and declare his sentiments on so very important a crisis: a crisis, Sir, in which I believe this country has not been involved in a more intricate one since the Revolution, and for which we are not only indebted to the refractory spirit of some of those ungrateful subjects on the other side of the Atlantic, but to some no less restless ones on this side of it; and which induces me to believe, that as a great minister once boasted in this House, that he had conquered America in Germany, so, I very much fear, we shall now be obliged to conquer it, or at least some part of it, again in England; for, till we put a stop to the sedition that is so constantly, so artfully, and so shamefully blown from hence, and give a check to those incendiaries who dare breathe forth such inflammatory poison as every newspaper conveys, we can never hope, without the last extremities, to bring the wicked leaders of those deluded people to a sense of their duty.

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To acknowledge, Sir, the supremacy of the legislative power of this country over all its dominions, and dispute the right of that power to exert itself, as it shall judge best for the good of the whole, is, in my humble opinion, too puerile and too trifling to throw away an argument upon; and, in our present situation with the colonies, too criminal not to condemn without hesitation. Either the legislative power of a kingdom has authority over all its dominions, or it has none over any part of them; it cannot be partial; nor do I think any one branch of that legislature can, by any act or charter whatever, exempt any particular set of its subjects from the authority of the whole legislature. Could that be done, Sir, and could a preference be given to any, I am very sure this House would long ago have turned their eyes towards our sister kingdom of Ireland, who has every claim to that preference in our affections and for our assistance, being as remarkable for their loyalty and obedience, as they are for their industry, and (I am sorry to say) for their poverty.

That America, by every tie human nature can devise, ought to be subordinate to the authority of Great Britain, is beyond a doubt, more especially when we consider and reflect, at what immense expence of blood and treasure to this country, those very colonies have been brought to that excess of greatness and riches, as that they shall now vainly think themselves able, and insolently declare themselves ready, to shake off their dependence, and become a separate state. That they have long been aiming at it, is evident from all their proceedings, and from all the papers before you; and that they may possibly become so in some future age (long may it be first) is natural to suppose, from what history teaches us of the vicissitude of all nations. But this I am certain of, the more they dare to sound that alarm, and the more they struggle for that period, the more it is our duty, as Englishmen, to watch over them, and not let the evil day be anticipated by any remissness or want of firmness on our part, for that would not only be highly criminal towards our King and country to permit it, but also leave an everlasting stain on the present age, if we meanly shake off the task of preventing it from ourselves, and leave it for posterity to struggle with as they can.

Sir, although I am under no kind of apprehensions from the consequences that may ensue from enforcing obedience in the colonies, from the good opinion I yet have of some cool, dispassionate, well affected men in the colonies, yet I own, for the sake of tranquillity here, and our manufactures, I wish there were any lenient measures left to pursue; but I know of none that have not been repeatedly tried; and I very much fear, that mildness and lenity with which government has proceeded throughout all their conduct towards the colonies, that tenderness shewn in every step hitherto taken, has been both here and there construed into timidity, and from advantages drawn from thence, by disaffected and interested people, has produced these disgraceful and fatal effects.

For my own part, Sir, if the House will allow me to trespass on their indulgence, and speak of the conduct of so insignificant an individual as myself, I will tell them, that notwithstanding all the threats and menaces, all the harsh censures that were the other night, on this subject, thrown out against all those who had supported the measures of government, and all the crude epithets that were given to every thing that had been done, to every thing that was doing, and every thing that was to be done (without knowing very well what that last was to be,) yet, Sir, I shall, in defiance of all those threats and menaces, still glory in having given my negative to the repeal of the Stamp-Act. I took the liberty on that extraordinary occasion to foretel to the House, the consequences that would ensue from that puerile, pitiful and baneful measure; and I am now no less proud of declaring, that as my education and profession have led me a very different path from that of a politician; so Sir, from the moment I had a seat in this House, I thought it my duty to study the opinions and conduct of those, whose abilities and whose attachment to their country, justly entitled them to a preference, and very early attached myself to that good, wise and able minister, Mr. Grenville, whose loss this country will long feel and lament, and whose memory I shall ever honour and revere; though it is some consolation from what I heard the other night fall from a young noble member, to find the father's virtues and abilities reviving in the son. However, Sir, I will not prove myself undeserving the friendship and confidence that minister honoured me with, by deviating this day in one single iota from what I am confident would have been his conduct, had we been so

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happy to have had him still among us, and therefore, as far as my voice goes, I will never consent to the rescinding, the discharging, or the repealing any one resolution, order or act, that either the last, or any former parliament has passed for the declaring, maintaining, and enforcing the legislative authority of Great Britain over all its colonies.

Sir, I shall be very happy to give my vote, (and if I had health and abilities equal to my zeal and inclination) my assistance also, to any proper English constitutional measure that could effectually restore that harmony between the mother country and the colonies, so essentially necessary to both, but which I absolutely deny (in any one point of view) to be more so to England than to America: but, Sir, whilst there are those individuals on this side of the water, some of great abilities, some of great titles, and some few of great fortunes, but all of great passions, whom I fear are so forgetful of their duty, as to be sacrificing the honour and welfare of this country, nay risking the very existence of it to their own private views, and ambition, to their own private piques and resentments, we can never flatter ourselves that any measures will have the wished for effect, but the most determined, the most firm, and the most vigorous ones.

Having said this, Sir, let me not be understood to wish, or mean to recommend, the carrying execution through all the colonies, with fire and sword: No, Sir, God forbid I should have so sanguine a thought! I flatter myself other means may be found, and I hope, and have not a doubt, but so soon as they find us determined to do our duty, they will be brought to a sense of theirs, and all difficulties will subside without shedding one single drop of blood: but should I be so misunderstood here, and so misrepresented without doors (which is the prevailing mode) all I can say, is, that I am determined to be as indifferent to it as conscious innocence will ever be to every invidious slander. I look upon all such temporary misrepresentations and abuse, just as I do on the clouds that pass under the sun; they cast a momentary shade on all people and all things, wait but with a little patience, truth like the sun will break out, disperse those clouds, and all people and all things appear in their proper lustre. I shall therefore, Sir, wait with patience for that moment, trusting to those abilities, to that temper, and to that firmness, with which the noble lord by me, who now holds the helm, has hitherto conducted us, through the violent storm, and through all the difficulties in which he found us involved; and make no doubt, but notwithstanding all the obstacles thrown in his way, he will bring us to a lasting and pleasing calm; and therefore, Sir, I shall most heartily concur in this proposed Address, and be against the re-commitment of it.

Sir *William Mayne*. I should not rise to trouble you this day, could I reconcile to my own breast the giving a silent vote on a question, upon which depends not only the existence of this country, but the happiness of millions. The vote I shall give, will be free from the smallest tincture of that prejudice which has industriously been inculcated into the minds of the Americans from this side the water, that they are to expect from every member of this House who drew his first breath on the other side of the Tweed: No, Sir, I will give my vote this day, uninfluenced by party and undictated to by power; I will give it like an honest member of parliament, who considers the approbation of his own mind his best parliamentary reward, and who acknowledges no dictator but that of his own conscience.

Some time ago, I gave my support to the address to his Majesty, holding myself at full liberty to decide upon every point relating to America when they came specially before this House. Since that time, I have taken all the information from the papers upon your table, as well as from the proceedings in America, by which I regulate my judgment upon this great and arduous situation of this country. And it is with sorrow I say it, that so very violent has been, and still is, the conduct of the Americans, that there is scarce an opening left for British justice and British humanity to interfere for their relief, or to give protection to those loyal and faithful subjects, of which I trust many are yet to be found in that continent.

No man, I think, can read the votes and proceedings of the American continental congress, held at Philadelphia on the 5th of September last, without amazement, compassion, and indignation; amazement at the act, compassion for the delusion, and indignation at the insult offered to their mother country.

Declaratory of what they say they are entitled to by the immutable laws of nature, the principles of the English constitution, and the several charters or com-

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pacts, they come to eleven resolutions, all of which, in my opinion, both in spirit and in substance, are subversive of, and destructive to, every fundamental principle which either constitutes or supports our most excellent constitution.

In the first resolution they tell you, they have never ceded to any power the disposal of their life, liberty, or property, which is a positive denial of their being British subjects, and of the existence of this constitution, which we all know has inherent in it a power to make laws to hold in penalty the lives, liberty and property of its subjects when the general safety of the whole requires it: as in cases of felony, where life and consequently liberty is forfeited; and in cases of high treason, where both life, liberty and property are forfeited.

They set forth, that their ancestors were, at the time of their emigration from the mother country, entitled to all rights, liberties and immunities of free and natural born subjects within the realm of England, and that they their descendants are now entitled to the same: a claim which neither the wisdom nor justice of this country will deny them, provided they will yield the same obedience to the laws and constitution of this country, which was the pride, the glory, and protection of their ancestors, at the time they left it.

It has been strongly urged by the advocates for America, that they were not represented: this has made deep impressions on the minds of many people, who thought if they were allowed an adequate number of representatives in the British senate all would be well, and every thing again subside to its original harmony: but how vain this hope, all must see who read the fourth resolution of the congress, whereby they expressly tell you that the English colonies from their local and other circumstances, cannot be represented in the British parliament; from which it must be obvious to every one, that it is not a common mixed representation with Great Britain they wish to enjoy, but a free and independent legislature of their own.

They likewise claim the full benefit of our most excellent constitution, though in the same breath they deny and resist its legal authority in every part. They declare the keeping a standing army in the colonies in time of peace, without the consent of the legislature of the colony in which it is so kept up, is against law. In times of danger from their foreign and domestic enemies, they acquiesced without murmuring to this standing army, kept up at our expence; but no sooner is the moment of danger over, and they feel themselves in a state of security from the calamities of war, and that this standing army becomes necessary to secure their obedience and allegiance to the laws and constitution of this country—but it is inadmissible, contrary to law, and a flagrant violation of the freedom of their American constitution.

Can we view with an indifferent eye the resolutions of the congress, where in a stile more becoming the haughty courts of Versailles and Madrid, they inhibit all intercourse of commerce between America and this country. To all nations with whom we are not actually at war, we can transport our commodities with safety, but it is only on the inhospitable continent of America, that British manufactures, the produce of British industry, cannot find an asylum.

Much has been said with respect to the reception of the merchants' petition. Nobody can or ought to have a higher respect for that honourable body of men, than I have; but I must say, I think their petition was decently received and decently treated. The advocates for it pressed for its being referred to the same committee with the papers; alleging, if it was not heard in that committee that you would decide upon the papers without having the evidence of the merchants, which might be essential to your determining properly upon that great question. In the course of the business of this House, it so fell out, that on the Thursday fixed for considering the papers, which was the day before the merchants' committee, the House could not proceed upon them, and the consideration of them was adjourned till the Tuesday following. This left the very next day open for the merchants to come to your bar, and there give you their full evidence which we could carry in our minds to meet that of the papers on the Tuesday following: but what was our surprize, when this House resolved itself into a committee, and called for the merchants; only one single person appeared, who read a written paper, the purport of which was, that they had nothing to offer, as they could not be heard in the same committee with the papers. Much has been said too, of foreign powers taking the advantage of our disputes with America. I am persuaded,

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fears of that kind are ill-founded, as all powers on the continent of Europe, who have settlements in the western and southern world, are alarmed lest, if our colonies should succeed in shaking off their dependance on this country, theirs would soon follow the example.

Strong suspicions have been thrown out, that the Americans have been heated to their present frenzy by incendiaries from home. If there are Catalines in this country, (I am sure there are none of them within these walls, for we are all honourable men) who have been plotting treasons in the dark against the state, let them be dragged to light; let them be offered up a sacrifice to the just resentments of the people and the violated rights of their country; let their names be handed down with infamy to posterity, and let ages yet to come execrate their memory.

Therefore, upon the whole, if a universal resistance to the civil government of America, as by law established, if denying a free and reciprocal interchange of British and American commodities, if resisting every act of the British legislature, and absolutely, in word and deed, denying the sovereignty of this country, if laying a strong hand on the revenues of America, if seizing his Majesty's forts, artillery, and ammunition, if exciting and stimulating, by every means, the whole subjects of America, to take arms and to resist the constitutional authority of Great Britain, are acts of treason, then are the Americans in a state of the most flagrant rebellion; a state, that every good man must lament, and none more than myself, as I sincerely wish every moderate and constitutional method to be taken to bring back these unhappy and deluded people to a sense of their duty. But if, after all, conciliating measures shall fail, this country has no alternative left, but to make use of that power they enjoy, under heaven, for the protection of the whole empire; and to shew the Americans, that as our ancestors deluged this country with their blood, to gain this constitution for us, we, like men, in defiance of faction at home, or rebellion abroad, are determined, in glorious emulation of their example, to transmit it perfect and unimpaired to posterity, or perish in the attempt. These, Sir, are my sentiments on this great question, flowing from the purest dictates of an uninfluenced and unbiassed conscience, supported by a heart ready to bleed for the rights and liberties of the people, indifferent to me where I meet the invaders of them, whether on the cultivated plains of Britain, or the more wild and uncultivated deserts of America; so shall give my hearty affirmative to this motion.

Mr. *T. Townshend* insisted that the imputation of causing a civil war was misplaced; called upon the last speaker to point out those Catalines who had fomented civil dissentions; and said that every one else thought the imputation and description belonged to another set of men. You are, said he, in the last moment wherein there can be any possibility of a pause that may suggest any measure of reconciliation. The Address cries havock!

Mr. *Jolliffe* said, his ideas differed so widely from the noble lord (North) that he could not give his assent to measures his soul shuddered at. He disapproved of the plan, and was for considering it in every light, lest resistance should be made justifiable.

Mr. *Hans Stanley* approved of the proposed Address; remarked on the papers; said he wanted nothing but the Americans to submit; would then hang out the olive branch, propose an amnesty, an act of grace and oblivion, a compact; but thought some examples ought to be made.

Lord *Irnham* began with asking, what are the real springs and motives for administration carrying on this alarming and ruinous American war? The House of Commons, in my humble opinion, said his lordship, cannot perceive, by any thing that has been communicated to us from papers read at your table, which contain very little more than what we have seen in the public prints; nor do I think it likely we should grow wiser by any information more candid and satisfactory than that they have already bestowed upon us. However, I shall suppose in their favour, that they have other motives for their conduct, than have hitherto appeared to that part of this House which consists of independent members.

When I say 'they,' I mean the noble lord at the head of administration, and a few others his chief associates; for, as to the mass of those who support his measures, I believe they do not insist upon more weighty arguments than that constant one he furnishes them with. Since, therefore, parliament cannot merely, from the materials on your table, approve or sanctify this violent attack upon America; and since the safety or consequence of it cannot be tried on any commercial consi-

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derations, which this House has for the present debarred us from, kindly indeed, in one respect, as the view of it would have exhibited a most gloomy and uncomfortable prospect; we are therefore, in obedience to their will, to combat them on the ground they have chosen; and we must consider this American war, in regard to its being a constitutional, and likewise a political question, under the latter head, including foreign and domestic policy. On the ground, then, that they have chosen, I will meet them, and fairly put our cause to the issue.

First, to consider it in a constitutional light, it militates against the great principle which has constantly been adopted by the friends of liberty, which is the life and soul of true Whiggism—that the interest of the community at large, and their sense of that interest, ought to govern and be the rule for the executive power to act by, in preference to the will or opinion of any man, or order of men, however dignified, as servants of that community. To evince this clearly, let us look back to the first struggle for liberty, in the reign of Charles the martyr. What was then the great point to be decided? Was it not whether the few, though possessed of all the powers in the state, civil, military, and ecclesiastical, might employ those powers against the will of the many (the body of the people) or should conform themselves to the latter?

On the one side were, not only the monarch then on the throne, but a high spirited and splendid peerage, my lords the bishops, and indeed the whole hierarchy, called the church, by far the majority of my lords the judges, and the other superiors of the long robe, with their numerous dependants. These all were for supporting the prerogative of the crown, as enlarged by the Tudors and Stuarts. They were for the dispensing power, star-chamber prosecutions, ship-money, and other arbitrary claims, as the true plan on which this nation should be governed.

On the contrary side, were the people of England at large, and as part of themselves, their faithful and independent representatives in this House; the great commercial cities of London and Bristol; the important inland towns, Coventry, Birmingham, Manchester, &c. the manufacturers, artificers, and husbandmen throughout the kingdom: both sides appealed to the sword, and after the trial of many a well-fought field, it was determined in favour of the people at large; and on that decision all your liberty, property, and happiness has been founded—on that principle, of the sovereignty virtually, ultimately, and really, residing in the people. All Whiggism, every rational idea of the constitution of this, and any other perfectly free country, must rest and be bottomed on this definition. It was the constitution of Rome, when in its perfection. The Romans had consuls representing the kingly power; they had also a senate, but the sovereignty virtually and ultimately resided in the people at large.

Now, Sir, let us try the question of this day, as it includes in its consequences the liberty and property of your whole wide and extended empire, still more extensive than that of Rome. Let us try it, Sir, by that touchstone, that criterion, the interest and the opinion of that interest, consequently the will and desire of all who claim the rights of Englishmen. First, Sir, your vast and beneficial territories in America; your kingdom of Ireland; your unpensioned and unwarped neighbours of Scotland; and at home, your citizens of London, Bristol, and Norwich: your trading towns of Manchester, Birmingham, Coventry; and, in short, every great commercial and manufacturing city and town in England; the Whigs dispersed throughout every county; these are all averse to this dreadful and dangerous civil war, and are attached and rivetted to the cause I now espouse, and to which administration are enemies.

Pray, Sir, what can you arrange on the opposite side? And who are for supporting those hostile measures? for, excepting the noble lord at the head of administration, and some few others, so very few, that they will easily occur to every one that hears me, the rest of the abettors of this extraordinary attempt, are as contemptible a collection of servile courtiers, renegado Whigs, and fawning, bigotted Tories, as ever strove to support the measures of any administration. It reminds me of Virgil's arrangement of the opposite forces at the battle of Actium. On the one side were troops of Bactrians, Arabians, Egyptians, and every servile nation then in the world; and at the head of them their contemptible divinities. "Omnigenumque Deûm monstra et latrator Anubis"—[that Egyptian dog who was the emblem of servitude]—"Contra Neptunum et Venerem contraque Miner-

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vam;" for, Sir, Neptune, that is the whole seafaring as well as commercial interest, is against this measure. As to Venus, every grace of body and mind is annexed to liberty. And as for Minerva, wisdom and true policy are on the side of the Americans; and the arts, of which she is the patroness, must immediately withdraw, when you have removed her olive branch.

And now, Sir, to view it next in a political light: first, in regard to foreign powers, and then in regard to ourselves at home. Is it possible to conceive that any thing on earth could give that heart-felt pleasure to France and Spain that this unfortunate system of oppressing America has done! You had become the masters of all warlike America, which they term bold America; and with that assistance you bid fair to crush their power in every part of the globe, whenever they dared to provoke you; and now you have weakly, impoliticly, and dangerously, contrived to irritate, injure and inflame all America against you; and if we are not blind to our own interest, we might easily perceive this by the conduct of the French and Spaniards, on your applying to their respective courts for orders to stop their merchants from supplying America with goods or warlike stores. They immediately (apparently against every motive of their interest and policy) comply with your demands: and for what ends, but plainly to urge you on, and to incite you to your own destruction? For depend on it, that notwithstanding all this courtesy and politesse, the Americans will receive from them every ounce of powder and ball that they can pay for, as well as all other goods in abundance. This is therefore a measure of confiding in our new friends and old enemies the French and Spaniards, instead of our old friends and brethren the Americans. This kind of policy is insecure in private concerns, but must be ruinous, in this important, this decisive one. And now, Sir, to sift and examine it in what is infinitely of more importance, by a political process; by which it may be tried in those respects wherein it would operate as to our own internal happiness and security:—that the making our prince absolute and despotic over all his vast American dominions, cannot, in the sober apprehension or constitutional creed of any man that hears me, add a tittle to the happiness our sovereign enjoys, as a monarch limited by the laws he found established both there and here: and I am fully persuaded, by the frequent gracious declarations that have fallen from his mouth, he, following his natural and noble disposition, unperverted and unseduced, either by his avowed or by his inward cabinet, would of all men living less wish to possess such despotic power. But that the attempt may prove ruinous to our liberty, property, and every thing dear to our civil rights, I appeal to the history of every state that has heretofore figured on the stage of the world.

The adopting of the measures of supporting large standing armies to enforce the sovereignty over their provinces, (an alluring motive) has subjugated them all in their turns, and extinguished their constitutional provisions and barriers against tyranny. To pass over the lesser states, not only Marius and Sylla and Cæsar, but Augustus and Tiberius, those able tyrants, who systematically ruined the Roman liberty, achieved it by troops raised to maintain the Roman sovereignty over their provinces. They did indeed subdue those provinces; but they also oppressed the liberty of the Roman republic; and their project reached still farther than they expected; for it stopped not till the military power, established by them for that end, overturned the imperial power itself. In less than fifty years from the death of Augustus, those armies raised to keep the provinces in awe, had no less than three emperors on foot at the same time; and thenceforward the military power disposed of the empire, and gave to whom it pleased the throne of the Cæsars. Whoever will calmly examine those precedents, must be convinced that the like causes must have similar effects. Oppressed by an overgrown army, the liberty of America and Ireland (for that stands next in the ministerial plan) and afterwards that of Great Britain, will follow of course;—the monster of despotism will only grant even to the latter the favour intended for Ulysses, that of being last devoured.

I have now, Sir, to the best of my ability, agitated this great question on the ground proposed by administration, in a constitutional as well as in a political light; and will venture to assert, that it appears in both those views formidable and destructive; and that it becomes absolutely necessary to retract the unconstitutional and impolitic steps which administration have hitherto taken, founded

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evidently upon Tory and arbitrary principles. Let us, therefore, at length, return back to those glorious maxims of universal liberty established by our great deliverer king William the 3rd—that friend to mankind; to whom we owe that this nation, by adhering heretofore to those maxims, had become the most powerful and illustrious on earth; and by whose wisdom the sceptre of this empire has been placed in the hands of the family who now wield it; which may they ever do with honour and perfect safety, whilst they remain enthroned in the hearts of all the loyal, free-born, independent, and whiggish subjects throughout Great-Britain, Ireland, and America!

Mr. *William Adam* spoke against the motion. He recurred to first principles; said he was a Whig; declared his readiness to support the constitution of Great-Britain, in which America was included; spoke of the doctrine of resistance; declared the Americans never had a legal power of resistance in their constitution.

Mr. *Scott* represented the dangers of a civil war, but pressed the necessity of violent measures on the present occasion.

Governor *Johnstone*. Before you pronounce this dreadful sentence upon a meritorious, sober, and industrious people, I hope the House will indulge me with a few words in discharge of the duty I owe myself, and likewise with a view of transmitting my character fair to posterity, when those black scenes shall be examined without prejudice.

The real question before us is, upon the proper measures to be pursued respecting our fellow-subjects in America. In order to judge of this, we must consider the real cause of dispute. I say, the substantial difference turns upon the right of taxation. Most of the advocates on the other side have endeavoured to slur this point, and alledge, that the claims of the Americans extend far beyond this article, and that the Act of Navigation itself is in danger. But it is impossible for a judicious mind to read the material papers, and not to see that this is illusory. The congress has expressly told us, they are willing to acquiesce in those laws which secure to us the monopoly of their trade, as necessary in the mutual connection; and the instructions from Philadelphia, on which the proceedings of the congress are chiefly formed, avow these doctrines in more full and explicit terms. This method of condemning men by inference and conjecture, contrary to their repeated declarations, I cannot approve; I shall therefore bend the whole force of my argument to the original cause of quarrel—taxation.

The great and only secret yet found out, for preserving the liberties of mankind from the encroachments of that power which is necessary for the executive in large kingdoms, is the power of the purse. This was the subject of contention in the civil wars of Charles 1. It is this privilege alone which makes the House of Commons respectable: this is the point which Hampden obtained for us! And I leave every one acquainted with the history of those memorable times, to determine in his own mind, whether we should ever have enjoyed this blessing, if he had tamely paid the tax, and had not resisted? From this power we derive the certainty of assembling the representatives of the people; by this redress of grievances may precede supplies; and the security that the exercise will not be abused is derived from hence, that the House cannot impose on others what they are not to feel themselves. By the principles of the constitution, every man should be represented; but the deviation from a rule, too nice for practice, is safely borne, because the interest of every particular member remains as a pledge, that no individual can be over-burthened: when this security is removed, there is no longer any safety for those to whom the fact does not apply. What is the case respecting the Americans? Does any member feel himself affected by the impositions he shall lay on them? Nay, does not the contrary principle prevail? The more he shall burthen America, the more he will relieve himself. Judge Hobert says, "If an act of parliament was made constituting a man a judge in his own cause, it would be void by the law of nature." Yet such is the precise situation in which we contend we ought to be placed, respecting the Americans, and for the denial of which we are ready to condemn our fellow-subjects to all the tortures enacted by the laws of treason.

Let us look round, and view the fate of different states that have yielded or preserved the privileges for which the Americans contend. So soon as the cortes lost this power, their slavery was complete. Portugal has now no vestige of this palladium—Here is tyranny supreme! In France, where the traces are left, (as in the *païs d'etat*) their happiness is distinguishable from the misery of other parts.

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In Britain we are yet free, because we retain it. In Holland, Switzerland, and the other states of Europe, they are more or less so as they preserve it.

What are the circumstances that distinguish and protect the British colonies from those of other nations? The representatives of the people met in general assembly, and the trial by jury. If the system of taxation, by the parliament of Great Britain, takes place, what being can be so credulous as to expect the assemblies of the people will ever meet; and it is confessed, that admiralty courts, disclaiming trials by jury, are necessary to enforce this species of taxation. Here, then, are all the essential privileges of an Englishman dependent on this question, and the real interest of the state is no way concerned in the contrary scale, since the prosperity of the colonies must ever prove the riches and glory of England. Nothing but the absurd pride, or narrow ignorance of the present administration, can be thrown into it. When once this system takes place, we shall then feel the tyranny and oppression of governors, with all their train of dependents, as in the provinces of Rome, which are now quoted as an example.

Thus much supposing the Americans right in the dispute (as I believe they are); but supposing them wrong, I shall now state their excuse, and see what heart can condemn them, and retain any claims to humanity. The question concerning the right to tax the colonies, though clear to those who are accustomed to think deeply on the principles of free governments, is difficult to common apprehensions. Montesquieu has observed, "that in despotism every thing ought to depend on two or three ideas." As for instance, is there any thing so fit to solve this dispute, as the unity of the British empire, the supremacy of the legislative authority of Great Britain, the omnipotence of parliament? Is there any man so ignorant, after having heard those sounding words, as not clearly to comprehend the whole of the controversy? Plodding, thinking creatures, who are accustomed to consider the complicated privileges in a free government, from whence the harmony of the whole springs, may be puzzled; but men who have never disturbed their repose with such dry considerations, can have no doubt on the matter; be that as it may, certain it is, that the discussion of this most important question was debated in this assembly by the greatest abilities, after the fullest information that ever accompanied any political question. The decision was in favour of the Americans; the Stamp Act was repealed. I admit that principles of expediency are alleged as the reason, in the preamble of the Bill; but the men who boldly denied, during this discussion, the power of taxing the colonies, as constitutionally existing in the Commons of Great Britain, namely, lord Chatham and lord Camden, (men of as extraordinary talents as ever adorned society) the one was made prime minister, the other was created a peer, and lord high chancellor of Great Britain, the keeper of the King's conscience! What American could have retained any doubt of his cause in the mind of his Majesty, or the nation, after such a decision? The Compromising Act soon followed (for the sake of gratifying a party) violating all the principles of commerce and policy in the lump—giving draw-backs here, exacting duties there, committing the power and authority of the nation on subjects which never could produce any effectual revenue, and this in a manner that all men of sense must ever condemn.

When the Americans saw by this act of parliament, that the great question was likely again to return upon them, in the progress of time, through the greediness, ignorance, or caprice of statesmen, they met the position in its sly, circuitous, questionable shape; they recurred to their old principles; they revolted against the preamble; they transmitted petitions; and all failing, they entered into non-importation agreements: this produced lord Hillsborough's circular letter, which I will repeat again and again, till a contrary conduct is pursued; for no satisfactory answer can be given about it, while the present doctrines are avowed. The Americans, thus fortified in their opinions concerning the point of taxation, are unanimous against our power from Nova Scotia to Georgia. If there be any doubt on this fact, why not call governor Eden? We are told he lately arrived; it would have been becoming to have produced him: but I call on his relations, friends, or any man, to contradict me in this assertion, "that the Americans are unanimous against this power of taxation." They are resolved to resist; and since you have placed them in situation, where they must either be rebels or slaves, the blame must lie with those who have drove them to this dilemma.

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In discussing the question of resistance, the gentlemen on the other side have great advantages. We stand on difficult ground, since, from its nature, it never can be defined, or admitted as lawful. The first officer of the crown has fairly expressed my ideas on the subject. The principle should never be extinguished in any government, much less in a free country; the occasion must ever be referred to the general feelings of mankind. Now, if depriving a trading town of its commerce —if cutting off whole societies from the benefit of the element which God has given them—if proceeding to deprive them of the fishery, their subsistence—if altering their charter and annihilating all their rights, without hearing them in their defence—if establishing in its stead, a new form of government, which leaves all things in confusion—if erecting a system of tyranny in their neighbourhood, and establishing (not tolerating) all the absurdities of the Roman Catholic religion—trial by jury dismissed—Habeas Corpus denied—the representatives of the people determined useless—inferior duties levied by act of parliament—in short, precedents for the violation of every thing we hold most sacred in this country: I say, if acts like these can vindicate resistance, the Americans can quote them, and God and the world must judge between us. For my own part, I consider, with lord Somers, that "treason against the constitution is the first species of that crime." Acts of parliament are sacred things, and yet they may be so made, grinding the face of mankind, that human nature will revolt at their severity. Dudley and Empson were hanged for acting—according to act of parliament.

I have now stated the arguments which should induce you to pause at least before you take this irretrievable step. I shall examine next the consequences. Suppose we should succeed in subduing the Americans, is it not clear from henceforward that we must govern them by military force? Must not our army be increased in proportion? While his Majesty retains the power of moving his troops from one part of his dominions to another, can there be any safety for the liberties of this country? If the mortification begins at the extremities, will it not soon communicate to the centre? Every man acquainted with the history of nations must foresee the consequences. If we fail in the attempt, which is the happiest event that can occur, what difficulties may not disgust, irritation, and all the horrors of civil war, engender? While the justice and moderation of this country are blotted from the face of the earth, and the accumulated expence, when the springs of riches are cut off, must shake public credit to the very centre.

The noble lord has hinted, "if repealing the tea tax would do, he would yield that," and he speaks even faintly on the power of taxation. If these are his principles, we are yet more inexcusable. We are going to punish men for maintaining what we are ready to yield, and to engage the nation in endless expence, for the sake of a quiddity. Since whether renounced on the principles of expediency or right, the satisfaction must be equally complete to the Americans.

But the noble lord alleges, "that yielding the point of taxation would not now do." This is conjecture on his part: but at least it would produce this good effect, we should divide the Americans; we should unite men in this country, and go to the contest with better hopes of success. The proofs the noble lord gives for his opinion are several indiscreet acts of different meetings since the late confusion in America. Such detail never affects me. I think no conclusions can be drawn from them. In all civil wars, when the people are let loose to reason on government, a thousand absurd doctrines are broached. Let us apply this to our own country: let us remember all the ridiculous circumstances which Hudibras has painted better than I can. But should the great cause of liberty, in which our ancestors were engaged, suffer from such circumstances? To their feelings we may trust; on the reasoning of the multitude there is little dependance. For my own part, I think with cardinal De Retz, that "any number above one hundred is at best but a mere mob." [Here the House felt the expressions as too strong.]—It never could be my intention to apply the rule to this House, long trained in form and discipline, though sometimes there are doctrines and proceedings, even here, that would surprize a stranger into this belief.

But the noble lord says, "Why not petition first, and acknowlege the right, and then we will grant freely." Have they not petitioned? Is there a means of supplication and protestation they have not tried? I am convinced they went to the crown merely as a mode of introducing

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their petition here. Now you deny hearing their agents. An hon. gentleman in administration says, "he wished we had heard their petitions." Do not then condemn them for not petitioning, till you have declared your resolution to hear them. Can it be expected the Americans will act on the inuendos of a minister? If you mean fair, why not declare your intentions by some binding act? After the East India Company, who will trust you? You invited them to petition, under hopes and declarations, and afterwards made use of this very petition, to deprive them both of their money and their privileges. In the ceded islands you invited men to settle under the royal proclamation, and then levied 4½ per cent. on their produce, which procedure has lately been condemned in the courts of law. In Canada you have been guilty of a greater violation, as liberty is dearer than property. Here you have despised the royal proclamation, and forfeited your engagements to mankind. I repeat it again, what man or society of men can trust you?

The next objection to the Americans is the congress. This is now termed an illegal meeting. Government here, lay by with great expectation, waiting their resolves. If they had been favourable to their views, or had any untoward circumstances broke their union, we should have had much eulogium on the congress. Now they have come to resolves favourable to the liberties of mankind, all is abuse. I do not know by what law (except that of common sense) mankind can be regulated on these occasions. What kind of meeting can that be called, which was held in this place at the Revolution? Aldermen and old members of parliament mixing in consultation. The necessity on these occasions gives rise to the case. You wished to know the sense of the people of America: was ever the judgment of a people so fairly taken? First the occasion is promulgated: the people chuse representatives: these chuse deputies; the deputies in congress publish their proceedings, each member returns to his respective colony, where his conduct is again approved: No place, no pension, no bribe, to influence his election, or bias his vote. But even as to the legality, the manner of meeting is not new; government itself called a congress in the last war, to apportion the quotas of men and troops.

One gentleman has said, "that our situation is quite new, and there is no example in history to direct our steps." I say there is a case directly similar, but we are too conceited to profit from such experience. Philip the 2nd and his seventeen provinces are the counterpart of what we are acting. The debates in his council on the sending the duke of Alva into the Netherlands, are applicable in every part. He was advised by two sensible men, to repair thither himself, and hear the complaints of his people, before he came to such rash resolves: but the majority said, as in this case, that his glory was compromised. It was not religion only, but taxing without consent of their states, that brought matters to the last extremity: the duke of Alva, it is true, was victorious every where at first, but his cruelties were but sowing the serpent's teeth. The gueux, the beggars of the Briel, esteemed at that time infinitely more despicable than the New Englandmen are represented, gave the first shock to the power of Spain. In comparing the probability of events, can any man say Great Britain has such a prospect of victory in the contest, as Spain might then have expected? yet we know the event, and how that mighty empire was rent in pieces. The present resolution hurries us into that situation, from which there is no retreating. It obliges the Americans immediately to act. By declaring them in rebellion, they must have recourse to arms; all negociation is cut off. I think the word 'rebellion' both impolitic and unjustifiable. I beg to know what paper on your table can vindicate that term? The first law officer of the crown said, "a number of men committing treason was rebellion." I differ from him in the definition: according to my conception of the phrase, they must be in military array, to effect some military purpose. One hundred men coining money are not in rebellion, though committing treason. Insurrections to pull down inclosures is not rebellion, though deemed a constructive levying war. In the case of Purchase and Dammaree, for pulling down the Meeting houses*, they were convicted of treason, but no one ever thought of saying the confederates or associates were in rebellion. I think we should be very cautious how we criminate bodies of men on such intelligence. I dare say the noble lord has been deceived himself: but this I affirm, he has hitherto constantly deceived

* See Howell's State Trials, vol. 15, p. 521.

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this House. It appears to me that no intelligence from general Gage can be depended on. I beg the House will attend particularly to what I now say, before they engage their lives and fortunes. It appears general Gage has regularly deceived administration. No event has turned out as he foretold, or gave reason to hope: the next letter constantly contradicts the expectations raised by the former. He seems never to have known what they were about—no doubt grossly imposed on himself—but the facts are undeniable. When he first arrived, he writes, the mal-contents were abashed, and the friends of government would soon appear. Next, his expectations from the assembly were disappointed, and he dissolves them in surprise: then, there would be no congress; next, though there would be a congress, they would differ and disagree: in short, led on, and leading others by vain expectations, till the last letter, which announces a total disaffection, and which I believe to be the true state of the provinces.

Singling out the province of Massachuset's Bay, can answer no purpose, but to expose our partiality. It is the cause of all, and the other colonies can never be so mean as first to encourage and then desert them before the general right is settled.

The noble lord talks next of stopping their fisheries; but he says, "the Act is only to be temporary." Does the noble lord think he can turn the channels of trade as easily as he can turn the majorities of this House? To explain the idea, supposing the New England fisheries stopt, their utensils must waste and destroy. But, will the English merchant madly increase his stock, and fit out new ships, if the Act is merely temporary? If it is perpetual, the people in America are ruined. The consequence is, that the French must in the end reap the benefit of all this strange policy.

We are constantly stating the great obligation we have conferred on the colonies by our former behaviour towards them: if it was ever so good, we can claim no merit from hence in private or public concerns, to do injury in future. They do not complain of your former behaviour, but they say, you have altered this very system from whence you would now derive their submission.

There are two arguments of the noble lord which I must remark upon before I sit down; the first is, "the comparative view of taxation between this country and the colonies, according to the number of inhabitants." His lordship says, "we pay about 25*s.* a head, and they pay about 6*d.*" Who is there so unacquainted with political arithmetic as not to know that the small sum people pay in taxation is often a proof of their poverty, and the large sum a proof of their prosperity, by demonstrating the riches from the greatness of the consumption? Let this kind of reasoning be applied to Ireland and Scotland, where we know the multitude to be poor in comparison to the inhabitants of London, whom we know to be rich; besides, if the colonist does not pay in palpable cash from his own hand, does not he pay all the taxes on the four millions of manufactures he receives, and part of those taxes on the raw materials he sends hither?

The other argument is still more extraordinary. The noble lord says, "if we fail in our attempt of forcing America, we shall still be in the same situation we are in at present." What! after our armies have been disgraced, our fellow subjects destroyed, all the irritation of a civil war, public confidence, and fair opinion lost! does the noble lord think he will be in the same situation himself? I really speak it with regret; for personally I have much regard for the noble lord, and particularly because I perceive, from his faint manner of stating his propositions, that they are not the dictates of his own mind, and that they are forced on him. I cannot see my other memorandums, and therefore I shall conclude by heartily concurring with the noble lord who moved for the recommitment of this Address.

Sir *Robert Smythe* spoke of two kinds of connexion which the Americans had with Great Britain. The first, as emigrants, they had a political connection: the commercial connexion was next in order. If we had stopped to hear the merchants' petition, it was just the same as if we had stopped the measures of government against the rebels, when they were in the heart of the kingdom, to hear petitions from Preston and Manchester: he was therefore for proceeding.

Mr. *Burke* applied his argument to that prevalent idea, which alone, he said, can make one honest man the advocate for ministerial measures, namely, that the Americans attack the sovereignty of this country. He said, the Americans do not attack the sovereignty itself, but a certain exercise and use of that sovereignty. He

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stated, that no tyranny itself found a justification in the mere plea of their unlimited authority. He stated seven acts of tyranny, which justified resistance. He shewed, that the cause of the late rebellions at home, and those disturbances in America, differed widely; that the trade of the country was little affected by those rebellions; that our trade at present is the primary object; that the object of that rebellion was to set an unnatural tyrant on the throne; that he feared the Americans were now what we were then; and were struggling that an insufferable tyranny should not be established over them. He represented the delusion practised by ministry, who in all speeches argue that Boston alone was in rebellion, and that it was an affair with Boston only; but he shewed that all America was concerned, from clear and positive facts. He proved, that from one end of the continent to the other, the like resistance had been found; and he pressed the independent members to consider that; for he said, if people were once convinced that the mischief was so wide, they would think a little more seriously what might have been the cause of so general discontent, and might wish to apply other remedies than fire or sword. He said, that their definition of rebellion was the oddest he had ever heard; it must be the destruction of tea; but burning tea was not in their definition rebellion, for such a place had burnt it; that spoiling it in damp vaults was not in their definition, for it had been so treated in such a place. Now to answer their definition of rebellion, tea must be drowned like a puppy dog; and even that was not quite enough; it must be drowned, and drowned at Boston. This was their definition of rebellion. He exerted himself to deprecate the shameless tyranny we exercised. He abhorred political as much as he did religious persecution. His heart seemed engaged. He mentioned with horror the idea of tearing a man from his family and friends the other side the Atlantic, and tearing his heart out in Smithfield, stiling it the heart of a traitor, because he would not believe in virtual representation, and because he would not believe that America was part of the manor of Greenwich. He said, he had two years before called their attention to Virginia, the mother colony; and shewed that in all their proceedings Virginia had taken the lead; and that therefore it was plain it was not Boston, but America; and if we meant a war with the whole, we ought with our eyes open to prepare for that, and not for a scuffle with Boston. He also put it on its true bottom; you have, said he, your option, America or this ministry; and he exposed with all his wit, the absurdity of balancing in such a choice.

Mr. Solicitor General *Wedderburn* replied to Mr. Burke. He spoke largely of the goodness of Britain to America. Thought it highly necessary to enforce the laws, and complained much of the dispositions of the Americans being encouraged from hence by those who avowed their cause in England.

Colonel *Barré* allowed that the Americans might be encouraged by their confidence in having friends at home, when they recollected that a few years ago the gentleman's voice who spoke last was made hoarse in condemning the measures of this country towards America. He was never louder than in his invective against lord Hillsborough for the letter which he insisted deserved impeachment. The colonel went into a fine eulogium on colonels Howe, Burgoyne, and Clinton, destined to serve against America. He lamented that this country should lose their services when the course of things must call for it; for a foreign war was inevitable, if we incurred a civil one. He insisted that no honour could be gained there. He avowed a fear that we should not vanquish, and insisted it was our duty to cherish the Americans. He reproached the spirit of administration, who in the Falkland's Island business, and in all foreign transactions, readily sacrificed the honour of the nation: but in dealings with our own people, when the people's good ought to be the first object, pride and dignity was their only principle. He shewed from count de Guines's memorial, that we had agreed on that occasion to disarm first, but now the Americans must submit first; and when they do, they may look to be pardoned when the ministers are ashamed to punish. He said he felt himself connected with America more than any man in the House: and added, you are this night to decide, whether you are to make war on your colonies.

Lord *North* professed good intentions, but did not seem to promise much success in his measures. He made some distinctions between his administration and the duke of Grafton's: said he did not mean to tax America; and added, if they would submit, and leave to us the constitutional

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right of supremacy, the quarrel would be at an end.

Mr. *Mackworth* spoke against the Address, and observed, that as the minister had declared, he did not mean to tax America, he was for stopping short, as he thought it an idle quarrel about words, when we were avowedly to get nothing.

Mr. *Sawbridge* was against the Address. Two parts in it he could not agree to: first, saying the Americans were in rebellion: the second, promising to risk his life and fortune.

The debate lasted till half past two in the morning; when the House divided on the question of recommitment: the Yeas went forth.

Tellers.

Yeas	Lord John Cavendish - Mr. Thomas Townshend	105
Noes	General Irwine - - - Mr. Cooper - - - -	288

So it passed in the negative, and the Address was agreed to, and ordered to be communicated to the Lords at a conference; which was accordingly done on the following day.*

Debate in the Lords on an Address to the King upon the Disturbances in North America.] Feb. 7. The Lord President reported, that they had met the managers for the Commons at the conference, which, on the part of the Commons, was managed by the lord North; who acquainted the managers for the Lords, "That they having taken into their consideration the state of his Majesty's colonies in North America, have agreed upon an Address to be presented to his Majesty; to which they desire the concurrence of this House." Then his lordship read the Address, upon which, the earl of Dartmouth and the marquis of Rockingham both rising to speak, a debate arose who should speak first.

In this confusion the Lord Chancellor put the question, "Is it your lordships' pleasure that the earl of Dartmouth be now heard?" This called up the duke of Richmond, who contended, that it was a most slavish position to say, that any lord in that House should have a preference before another; and that the preference should be determined by the House. Lord Mansfield replied, that he had always understood it was in the option of the chairman, in either House (the Speaker in the other, and the Lord Keeper in this) to so far decide, as at least to put the question on which of the two persons he pleased. To prove this, his lordship cited an instance in a committee of the House of Commons on the Spanish convention in 1739, when two members rising at the same instant, to make motions of a direct contrary tendency, Mr. Winnington, the chairman, pointed to one of them in preference to the other, which gave birth to the witty observation of Mr. Pulteney, afterwards earl of Bath, in the course of the debate, "That the chairman had made the deadest point he ever saw in his life." Lord Camden urged the necessity and justice of their previously accepting the petition of the merchants, which he understood the noble marquis had to present, and hearing the merchants' allegations; he told the House, they not only sat there in their representative, but in their judicial capacity, and were therefore bound by all the ties of official duty, to get every light and information upon the subject before them; otherwise, their coming to a determination could not be acting in the spirit of the constitution. He pressed them but for a day, which would not create any delay, and in that time he had no doubt their lordships would receive that solid information founded on the truest proofs, commercial experience; which would, perhaps, influence their lordships to think differently from what they then did. Earl Gower insisted that such a mode of proceeding was totally unusual and unparliamentary; that very early in life, much about the period the noble and learned lord alluded to, he remembered a circumstance which came directly in point; it was on an intended motion of the late lord Halifax's, when the Lord Keeper decided against him, that another noble lord should be first heard. [In all this hurry and confu-

* Mr. Gibbon to Mr. Holroyd, Feb. 1, 1775. "I am not damned, according to your charitable wishes, because I have not acted; there was such an inundation of speeches, young speeches in every sense of the word, both on Thursday in the grand committee, and Monday on the report to the House, that neither lord George Germaine nor myself could find room for a single word. The principal men both days were Fox and Wedderburne, on the opposite sides; the latter displayed his usual talents; the former, taking the vast compass of the question before us, discovered powers for regular debate, which neither his friends hoped, nor his enemies dreaded." Miscellaneous Works, vol. 1. p. 489.

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sion, the true point on which the preference contended for rested, seemed to be entirely mistaken, till the earl of Denbigh observed that the preference was with the noble earl, out of the respect due to the other branch of the legislature.] The question was at length put, and the motion was carried without a division.

The Earl of *Dartmouth* accordingly rose, and after putting in his claim to be heard to the question at large, moved, that the blank in the Address presented by the Commons at the conference, and now communicated by the Lord President, should be filled up with the words "Lords spiritual and temporal, and."

The Marquis of *Rockingham* acquainted the House, that the matter which he rose to was to present petitions, one from the merchants of London concerned in the commerce to North America, and the other from the West India merchants and planters; that he imagined their contents were of the highest importance, were immediately relative to the business under consideration, and were well worthy of arresting any determination of this House, for at least one day, being certain, that within that short period, information of infinite consequence would be laid before their lordships, perhaps sufficient to alter, or at least soften the rigour of the measures they were now madly, hastily, and blindly proceeding to adopt. His lordship then desired the Petitions might be read, which being complied with, he observed, as a question was now before the House, that must be first disposed of; and as consequently the subject matter of petitions could not regularly come under the cognizance of the House; and that he still hoped the House would be willing to hear the petitioners, as men suffering under the heaviest misfortunes, none of which could be attributed to their own misconduct, he would be under the necessity, as the only means left, of moving the previous question, which would open a door for taking into consideration a general state of the petitioners' grievances. [The previous question was accordingly put, and his lordship proceeded.] He observed, that until the previous question was first disposed of, he could not regularly enter into a discussion of the Address; but he would, nevertheless, in this stage of the business, assure the House, that there was one paragraph in it, which he totally disclaimed, and desired to be understood, neither to have act or part in, that was, where both Houses were to assure his Majesty, they would, in support of the measures therein recommended, hazard their lives and fortunes; for he now openly declared, he would neither risk nor hazard life or fortune in such a cause. He said the noble mover adverted to something which he did not perfectly understand, about unanimity. If every man who opposed this Address, was presumed to be actuated by false notions of popularity or factious motives, he believed four-fifths of the nation would fall under that predicament; but this he could answer for himself, at all events, that he should not tread in the steps of his noble, but ill-fated ancestor, (lord Strafford) who first courted popular favour, and then deserted the cause he had embarked in; for as he had set out by supporting the cause of the people against the tyranny and arbitrary measures of ministers, so he should never, for any temptation whatsoever, desert or betray them, but would persevere to the last, in endeavouring to obtain for them a full reparation for all the injuries they had sustained.

The Earl of *Pomfret* contended, that the sea was our proper element; was against a land war, and strenuously urged the necessity of sending a naval force sufficient to block up their harbours, and by that means to cut off their communication with all other powers, and put a total stop to their commerce.

The Earl of *Denbigh* united in this opinion on general principles, but insisted that a military force would be necessary for the protection of his Majesty's loyal subjects, who would be otherwise exposed to the fury and violence of their merciless persecutors.

Earl *Gower* adhered closely to the question before the House, the propriety of entering into an immediate examination of the matter contained in the Petitions intended to be presented by the noble marquis. He said, the petitioners were persons who deserved every mark of attention and respect which the House could pay them, consistently with the interests of the empire at large; and although their grievances were imaginary, their complaints were nevertheless deserving of indulgence. He trusted, however, when they maturely considered that the steps now taken were to prevent the return of such evils in future, they would cheerfully acquiesce in the wisdom of par-

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liament in the present instance, and be gratefully thankful hereafter; for if the supremacy of the legislature was once given up, their trade, commerce, and every possible advantage accruing from either, would soon be annihilated. He therefore hoped, that the merchants would, on the present occasion, submit to a temporary inconvenience, nay a short lived distress, to insure the most permanent and important benefits; and manifest that degree of magnanimity which a sense of their own interests, founded in submission and acquiescence to the wisdom of parliament, must, upon mature consideration and past experience, most certainly suggest.

Lord *Mansfield* said, it was impossible to confine the attention of the House merely to the matter of the previous question. He perfectly coincided in sentiment with the noble earl, who asserted, that we were reduced to the alternative of adopting coercive measures, or of for ever relinquishing our claim of sovereignty or dominion over the colonies; for consider the question in ever so many lights, says his lordship, every middle way, every attempt to unite the opposite claims of the contending parties, ends, and is ultimately founded in one resolution or the other. His lordship observed, that one of the most able American writers, after the fullest and clearest investigation of the subject, at last confesses, that no medium can possibly be devised, which will exclude the inevitable consequence of either system absolutely prevailing; for that take it up on which ground you would, the supremacy of the British legislature must be complete, entire, and unconditional; or on the other hand, the colonies must be free and independent. His lordship next proceeded to examine very minutely the several acts of parliament complained of in the congress which assembled at Philadelphia, and endeavoured to prove, that every one of them, more or less, confirmed the principles he had laid down, and the conclusions he had drawn from them; and directly struck at the legislative superintending power, which it was contended they were willing to submit to, not barely to the subject of taxation. He more particularly adverted to the Acts for the establishing the admiralty courts in that country; for regulating the rates of postage of letters; for ordering persons in any part of the dominions of the crown to be tried in any English county, for being charged with setting his Majesty's dockyards on fire; for the quartering of soldiers, and one or two more of the same nature; any one of which, if repealed, would be a total renunciation of the sovereignty; even if the other proposition were true, that we had no right to tax them. But that claim of non-taxation, it was, he said, that introduced all the rest: if the doctrine was a just one in any instance, it must of inevitable consequence extend to all the rest; for it was to the last degree monstrous and absurd to allow they had a right distinct from the British legislature in any one particular, and not in all: if they had such a right, the defence of it would justify resistance; and to contend that subjects had a right of resisting the government, was a doctrine he should be glad to hear maintained, on any principle of civil government, reason, experience, or common sense. This led his lordship to the subject of the petitions; but he contended, that they did not at all come in the way of the present motion. He did not doubt but the petitioners were aggrieved; he did not doubt but they laboured under great and singular distresses; he did not doubt but every degree of men, the landed gentleman, the merchant, the manufacturer, the mechanic, would all heavily feel, in their several situations, the threatened calamities. Nay, he went further, he did not promise certain success from the present measure. The army might proceed to hostilities, they might be defeated, the Americans might prevail, we might be for ever stripped of the sovereignty of that country; but what of that? the events of war were uncertain: the question was, allowing all the inconveniences as set forth in the petitions to be precisely just, and taking into full contemplation every possible contingency that human foresight and prudence could suggest, whether we should relinquish our rights, or resolve at all events to resolutely persist in their assertion? His lordship again returned to his former argument, of the Acts they had protested against, and observed, that though he was not present when a noble lord on a former occasion (lord Chatham) had insisted, that in return for their temporary suspension and constant repeal, he would insist on the most inequivocal declaration on the part of America, of the supreme legislative controuling power of the British legislature, in every other case whatever, but that of taxation only, he

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could not help remarking, that they avoided every declaration equivocal or inequivocal; for all they promised in return, was to consent to the Act of Navigation, while they were boldly contending for the repeal of every one Act almost which was to give that great constitutional law the least force or effect. He next proceeded to prove, by a variety of arguments, that the colonies were in actual rebellion; insisted on the right of the mother country over the colonies; doubted of the expediency of taxing now, on account of the repeal of the Stamp Act; but said it was utterly impossible to say a syllable on the matter of expediency, till the right was first as fully asserted on one side, as acknowledged on the other. He loudly condemned the bad policy of laying the taxes on in 1767; and laid all our present troubles and political confusions at that door. He said it was the most absurd measure that could possibly be imagined, for all the purpose it answered was, at once to throw the colonies into a ferment and ill-humour, and to hurt the commerce of Britain, by furnishing the Americans with a temptation to smuggle; that is, loading our own manufactures with duties, and permitting other powers to supply the American markets with the same commodities, without paying any.

Lord *Camden* took up the last noble lord on his assertion, that the colonies were in rebellion. If rebellion and treason meant the same thing, he would be bold to say the colonies were not in rebellion. He said he knew no species of treason, but those described by the statute of the 25th of Edward 3, which were, levying war within the realm, or compassing or imagining the death of the king. He owned that there were many precedents in the books of constructed treason, where certain acts of an atrocious nature were adjudged and referred to one or other of those; but he contended that no one act hitherto committed in America, came within any of those precedents. He said, constructive treason was a dangerous thing; the rule should be certain and definite; for, were it otherwise, no man could tell where it would end, as the lives and properties of the subject would be then at the mercy of the judge; the culprit would then suffer at the will of the judge, not by the spirit or the letter of the law. He insisted, he had as great and good a judge as ever sat in Westminster Hall, lord Hale, to support him in this opinion, who, after laying down the law of Edward 3, and the expositions of it in the several decisions of his predecessors, asserts, in the most absolute and unreserved terms, that nothing should be deemed treason, by any parity of reasoning or similarity of circumstances, unless it came expressly within the statute or the interpretation of it, as laid down in the several decisions which had been given since the passing of the law. He added, on this head, that the wisdom of the framers of it, had provided for any mischief that might arise, by directing the judges to apply to parliament for their advice, should any new case arise which did not come within the words or obvious meaning of the statute. He next replied to the noble and learned lord, as being seemingly involved in the censure passed on the administration which consented to lay the duties, one of which (that on tea) was now the original cause of the unhappy disputes subsisting between Great Britain and the colonies. He utterly disclaimed having the least hand in that measure; said he was not consulted in the framing the law which laid on those duties, and that he was at the time closely and laboriously employed in discharging the weighty functions of his office. He next entered into a very full and detailed view of both the previous and detailed question; he said, he was astonished to hear a noble lord, in the course of the debate, advise the very extraordinary measure of blocking up the American ports, and thereby preventing them from all commerce whatever. He observed, that sending an army thither in a hostile manner, was insanity the first; but were the present proposed measures adopted, it would indeed be insanity the second. It would be no less than a political *felo de se*; and would be like a man, who to be revenged of a person that he supposed had injured him, should sheath a poniard in his own bosom. Our commerce, says his lordship, is at once the source of our wealth and our power; it both gives us seamen to man our fleets, and money to pay them; without commerce this island, when compared with many countries on the continent, is but a small insignificant spot: it is from our commerce alone that we are intitled to that consequence we bear in the great political scale. When compared with several of the great powers of Europe, England, in the words of Shakespeare, being no more than a "bird's nest floating on a pool." What, then,

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would be the consequence of adopting so wild and dangerous an expedient? We should neither have ships to defend us, seamen to man them, nor money to pay them, and we must of course fall a prey to the first invader; for both the means of defence, and the sources which were wont to support it, would be at once cut off. He said, every engine had been set to work, and art essayed, to prejudice the landed interest, and distinguish it on the present occasion from the commercial, as if the latter could sustain any injury that the other must not equally feel. What rose the value of the lands but commerce? What supported commerce again but the lands?—their interests being as inseparable as the benefits they derived from each other were mutual and reciprocal. He concluded generally on the high sounding unintelligible phrases of legislative supremacy and parliamentary omnipotence; but, for his part, they conveyed to his mind precisely such an idea, and gave equal satisfaction, as the answer given by the fine gentleman in the play, who, being charged with baseness by his friend, who told him he had eat his meat, drank his wine, and lain with his wife, made no other reply, at the end of every sentence, but, "Sir, I wear a sword."

The Duke of *Grafton* rose with great warmth, and after observing that his ideas on this important subject did not coincide with what had been urged from any side of the House, and that he meant to reserve his opinion till the great question, with all its several relations and collateral circumstances, came to be taken into consideration and finally decided on, animadverted with no small degree of acrimony and resentment on the conduct of the two learned and noble lords who preceded him. Of the latter (lord Camden) he insisted it was mean, and much beneath the dignity of one who acted in the exalted station he did, at the time the duties now mentioned were imposed, to come at this time to screen himself from the disagreeable consequences that measure produced, and shift the blame off his own shoulders to lay it on those of others, whom he was perfectly convinced, and fully conscious, had no more particular hand in it than his lordship. The measure, says his grace, was consented to, at least, in the cabinet. The noble lord acquiesced in it, he sat in that chair, (pointing to the Lord Keeper's) while it was passing through this House in its several stages. The learned lord was the very person who signified the royal approbation of this law in his official capacity, under the seal of his office; and shall he now come to tell this House, and the public, that it passed without his approbation or participation? He then observed, that matters which had passed in that House were frequently misrepresented without doors; but he was glad of an opportunity of testifying to the public that it was no measure of his, perhaps it was contrary to his judgment; but he reserved his sentiments on that subject to a future occasion; as what he meant now was, that let the measure be good or bad, all he wished was, that every cabinet minister, who acted and deliberated in that capacity, at the time of passing that law, should equally share the censure, if it was a bad one, or be entitled to an equal claim of merit, if it were a good one. In reply to the other noble and learned lord, he said, he totally differed from him, as to the commercial effect of that law; for if the law itself was wise, and the principle it originated from expedient and equitable, the regulation was certainly no less so; for there was no other possible mode of enforcing the declaratory law, internal taxation being totally abandoned by the repeal of the Stamp Act, but by laying on post duties. And he knew of none, against which the noble lord's objections would not lie as forcibly as those proposed to be levied by the Act under consideration. He lamented the misfortune that the administration he was connected with was the only one who wanted the assistance of the noble and learned lord. He was certain that some of the preceding administrations had profited of his great abilities; and though he was deprived of the support which might be derived from such sage counsels, he was happy that the nation experienced the good effects in the aid he had given to some of the administrations which preceded the one in which he was concerned, and perhaps, nay probably, the one that succeeded it.

Lord *Mansfield* feeling this as a direct attack, implying an interference in the public councils, endeavoured to exculpate himself from the charge. He said, he had been a cabinet minister part of the late reign, and the whole of the present; that there was a nominal and an efficient cabinet; that for several years he acted as a member of the latter, and consequently deliberated with the King's minister; that however a short time previous to the ad-

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ministration in which the noble marquis presided at the head of the Treasury, and some considerable time before the noble duke succeeded him in that department, he had prayed his Majesty to excuse him; and from that day to the present he had declined to act as an efficient cabinet minister. He said, he had lived with every administration on equal good terms; and never refused his advice when applied to; that particularly the noble marquis must recollect his giving him every assistance his poor abilities were capable of affording; nor was it his fault that noble duke did not experience the same; for had he been applied to, he would have cheerfully rendered him every assistance in his power. That he had not changed his opinion on the present subject, he appealed to every side of the House; for when the repeal of the Stamp Act was brought into it, though he wished to give the measures of government every support, consistent with his judgment and his public duty, yet foreseeing the consequences exactly in the same light they have since turned out, he voted against it; but assured the House, that he took no other private or ostensible part whatever in that business; and so careful and studious was he to avoid the least appearance of any thing of that kind, that he even returned a proxy that was sent to him against the repeal, sooner than seem to take any public part against the King's servants. His lordship likewise apologized to the noble duke, and assured him, that he had not the most distant intention of passing any censure on any measure pursued in the administration in which he acted; so far from it, that he highly approved of putting the declaratory law into execution; all he at most insinuated was, that the present minister's plan was much better calculated for giving it effect; as it at once destroyed the temptation to smuggle, by reducing the duty from one shilling to threepence; for who would risk his whole property against such a trifling duty? or how was it possible that the smuggler could come to market upon equal terms, under all the circumstances attending that trade, with the fair importer.

The Earl of *Shelburne*, after taking a general view of both the previous and main question, respecting the propriety of hearing the petitioners, and the madness of a civil war, upon every ground of justice, prudence, and sound policy, in a very able and comprehensive manner, said, he hoped the day of enquiry and public retribution would come, when the author of the present dangerous measures would be discovered, and of that despotic system which has governed our councils for some years past, clearly developed. Candour obliged him to testify, to the conduct and sentiment of the noble duke, that he was averse to the measure; and the day it was brought in, as part of a money bill from the other House, never rose to support it, as the strongest mark of his disapprobation. He was certain the noble and learned lord equally disapproved of it; and, for his own part, who had then the honour of occupying a very high post in administration, his sentiments were too well known to call for explanation. He said further, that his situation gave him an opportunity of knowing the sentiments of a very high personage; and he could affirm, from his own knowledge, that they were extremely favourable towards America. It was therefore a matter well worth knowing, and extremely deserving of enquiry, how this unexpected change was effected, and by what over-ruling, fatal influence, this great empire was brought to the eve of being plunged into all the miseries and horrors of civil war.

Lord *Lyttelton* contended for the universality and unity of the British empire over all its territories and dependencies, whereever its domination extended. He was severe on the noble and learned lord (Camden) who spoke so fully on the dangerous consequences of constructive treason. He asserted those little evasions and distinctions were the effects of professional subtlety and low cunning; that it was absurd to the last degree to enter into such flimsy observations on this or that particular phrase or word, and thence draw deductions equally puerile and inconclusive, that the colonies were not in rebellion. For his part, he should not abide by such far-fetched interpretations, he would be guided by common sense, and only consult the papers on the table, to prove beyond question, that America was in rebellion. What! will any noble lord in this House rise, and tell me seriously, that a country is not in rebellion when it openly disclaims all obedience to the laws, all dependence on the legislature! when they offer to appropriate the public monies to the very means of resistance! when they prevent the courts of justice from assembling, and the counsellors appointed by the crown from acting! Will any noble lord

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pretend to say, that any or all of those are not manifest acts of rebellion? or that it is not treason in every obvious, substantial, and legal meaning of the word, to attack one of the King's fortresses, make his troops render it up, and seize and convert the King's stores to the direct purposes of openly resisting his legal authority by force of arms? Are these acts of the most flagrant rebellion and treason? or are they, according to the ingenious doctrine and legal language of the noble and learned lord, only to be construed mere misdemeanor or felony? His lordship next entered into a very spirited defence of his noble and learned friend, who spoke on the same side, and dealt his blows very liberally on all those who had attacked him. He bestowed the highest encomiums on his talents, integrity, and political conduct; and charged his accusers with being weak and evil counsellors, no less in their general sentiments than in their personal attacks. He recurred to his former arguments, and contended without reserve for the legislative supremacy of parliament over every part of the British dominions in America, the East and West Indies, in Africa, in Asia, in every part and quarter of the globe, nay over Ireland itself, if it should become necessary; the right of taxation and legislation being indivisible and unconditional, over every place to which our sovereignty extended.

The Duke of *Richmond* condemned, in the most pointed and direct terms, what his grace called the inflammatory and ill-grounded representations of the learned and noble lord. He said it was very unbecoming the gravity and dignity of his situation, and of the several high relations he stood in to the state, to endeavour to inflame and mislead at so alarming a crisis. He observed that the noble lord had laboured all in his power to prove the colonies in rebellion; but for his part he did not perceive that he used one solid argument in proof of this cruel assertion: an assertion, in every view of it, big with the most horrible and direful consequences; an assertion which, as soon as sanctified by a vote of both Houses, authorized every species of rapine, plunder, massacre, and persecution whatever. His grace then turned to the consideration of constructive treason; and observed, that the noble and learned lord and his friends ought to be the last to approve of lax and indefinite interpretations of treasons, as it might, on some future day, open a door for obtaining of substantial and effectual justice on those who, through the whole course of their lives, had been as sedulous to evade the law, as they were industrious to break it. He entered fully into the propriety of postponing the contents of the Address; and at least listening to hear what the petitioners had to offer. It would be decent to pay some degree of attention to so respectable and useful a body (as the merchants) and though no petition had been presented, it would be manifestly indecent, and totally derogating from the dignity of that House, to blindly and implicitly adopt the present measure, without examination, deliberation, or enquiry. This night's debate, he confessed, brought back strongly to his mind what had often been the subject with him of great astonishment and serious consideration. The measure which had been originally the cause of our present dangerous situation, was now openly disavowed by three cabinet ministers, then occupying the first departments of the state. They had, each of them, he remarked, solemnly declared it was no measure of theirs, jointly or separately; one of them (lord Shelburne) has assured us, from his own knowledge, that it did not seem to be agreeable to the sentiments of a great personage. Whence then, says his grace, are we to suppose it originated? I will not say that the noble and learned lord knows; but this I will venture to remind his lordship of, that when I came to office I saw several foreign dispatches, on the margin of which were written observations in that noble lord's hand-writing. I need not tell his lordship, but I shall take the liberty to inform the House, that the correspondence with our foreign ministers, at a convenient time, is sent round in little blue boxes to the efficient cabinet ministers; and that each of them give their opinions on them in writing. These are the opinions and the observations I now allude to. His grace besides, in the course of his speech, condemned very severely the Acts respecting America, passed during the last session, particularly to that which gave a new power to the sheriffs, unknown to the constitution; that of creating what he called pocket juries; and the other, which, if possible, is of a much more dangerous tendency, preventing all meetings, under the penalties of high treason; for if it be treason to resist an Act of the British parliament in the manner now contended for, it must of consequence be treason to

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assist at the assemblies, which the Bill for altering the charter positively prohibits.

Lord *Mansfield* rose in great warmth: he said he could hardly bring himself to believe the several insinuations thrown out on the other side of the House could be directed at him; yet, on the other hand, if they meant any thing, he knew not otherwise how to interpret them. If they were intended to be imputed to him as a crime, they missed their aim, for in his opinion they had perhaps undesignedly done him the greatest honour. What do their lordships insinuate, that I have been the author of the present measures, and it is I that direct them? I should be proud to own them if it were, because I think them wise, politic, and equitable; but surely they will permit me to repeat again, that I have been a nominal cabinet minister part of the last reign, and the whole of the present; that I was an efficient cabinet minister during part of both periods; but that since the time before alluded to in this debate, I have had no concern or participation whatever in his Majesty's councils. Threats are thrown out, and enquiries predicted: I heartily wish they may be speedy; I am prepared for them, and put their intended authors to the most utter defiance. It has been urged against me as a crime to day that I have courted popularity. I never did court it, but I always have studied to deserve it. Popularity will always fly the pursuers; she must follow. I do not mean to say that I despise it; on the contrary, I sincerely wish for it, if not purchased at too dear a price, at the expence of my conscience and my duty. If a faithful discharge of one, and execution of the other, be the means of procuring it, I hope I shall always be a warm candidate for popular fame. I have hitherto, to the best of my abilities, acted on that plan, and I hope I shall persevere to the end. I have seen much of courts, parliaments, and cabinets, and have been a frequent witness to the means used to acquire popularity, and the base and mean purposes to which that popularity has been afterwards employed. I have been in cabinets where the great struggle has not been to advance the public interests; not by coalition and mutual assistance to strengthen the hands of government; but by cabals, jealousy, and mutual distrust, to thwart each others' designs, and to circumvent each other, in order to obtain power and pre-eminence. I have been no less careful to observe the effects of popularity, where it has been courted and gained for particular purposes; but where every engagement was abandoned which led to its attainment, when the keeping of them became no longer necessary to the views of self-interest and ambition. I am threatened! I dare the authors of those threats to put any one of them in execution. I am ready to meet their charges, and am prepared for the event, either to cover my adversaries with shame and disgrace, or in the fall, risque the remnant of a life nearly drawing to an end, and consequently not worth being very solicitous about.

Lord *Lyttelton* rose a second time, to defend his noble and learned friend; and the duke of Richmond in particular, and one or two other lords on the same side, having dwelt much on the probable consequence our present civil dissention might have on the conduct of France and Spain, his lordship pressed the King's servants to declare what steps they had taken to bring these courts to an explanation on this subject.

The Earl of *Rochford* replied, that he believed the noble lord had spoken by inspiration. He declared he had no sort of conversation with him relative to the subject, whatever appearance it might have of being concerted between them; but he thought it extremely fortunate, that the question furnished him with an opportunity of acquainting the House, that he had received a letter that very day from the King's minister at Paris, giving him the most full and unreserved assurances that the French court would prohibit all commerce with the British colonies; and that should any of the subjects of the crown of France, after such declaration on their part, presume to carry on any trade with America, his most Christian Majesty meant to be understood, that they were to be deemed out of his protection; and that the British court were at liberty to seize the vessels and confiscate their cargoes. His lordship said, that it might possibly be objected to this declaration, that we ought not to depend on French faith; and that probably those assurances were given only with a view of lulling us into a fatal security; but he said he had every reason to believe France sincere, as well by the pacific councils which at present prevailed in that country, as from the permanent policy of both France and Spain, who were determined, on their own account, against countenancing, abetting,

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or bringing into precedent, any measure which might operate as an encouragement to the colonies in the new world, to render themselves independent of the parent state. His lordship then referred to a work lately published in France, wherein it is expressly asserted, that it would be bad policy in the extreme, for France to interfere in the present disputes between Great-Britain and her colonies.

The Earl of *Shelburne* returned to his general charges of a fatal and over-ruling influence. He observed, it was very extraordinary that the Bills passed last sessions of parliament, respecting America, were disowned by the law officers of the crown; and who, in the name of God, could have framed them, says his lordship? —We cannot, cannot suppose it was the minister who framed them. We are almost certain that none of the members of administration drew them up. We know they were fabricated by some person conversant in the law. It is impossible we can hesitate a minute, therefore, to pronounce them to be the work of some hand who is unwilling to own them. The law officers of the crown have disavowed them. Who then framed them? The public naturally look at a law lord, notoriously high in favour in the cabinet, with whose sentiments and doctrines they perfectly agree. Is not this, my lords, enough to raise suspicions in the most unsuspecting mind, that the King is betrayed, the nation undone, and the ministry rendered mere cyphers, to give a sanction to a system of measures, which, sooner or later, must be the ruin of this country, or at least of its constitutional liberties? The noble and learned lord has confessed, that though for some years he has ceased to act in the character of an efficient cabinet minister, there was a time when it was otherwise; there was a time when he united in his character two things in the English constitution, the most repugnant in their nature, that of an acting cabinet minister, and a lord chief justice of England. For my part, I always imagined, according to the true principles of this constitution, that it was the great pervading principle and excellence of it, to keep the judicial and executive powers as separate and distinct as possible, so as to prevent a man from advising in one capacity what he was to execute in another. I hope the time will come when those matters will undergo a full and impartial discussion, without a personal allusion to any man, when we shall be able to point out, with certainty, the real author of the present measures; and be at the same time informed, where the judges in Westminster-hall have kept within their own province, and where they have invaded the constitution, by substituting their own prejudiced and partial opinions for the law of the land. In particular, I sincerely wish, that means may be devised for leaving the members of the cabinet, at the time the duties imposed on America were laid, at liberty to declare freely what they know of that matter, so that the real authors may be discovered, and the framers of this pernicious fatal measure, held forth to public detestation. The noble and learned lord has disclaimed having any direct concern in the present business, and endeavours to strengthen his bare assertion, by shewing what little or no temptation he could have to interfere. But the noble lord knows, every noble lord in this House knows, a court has many allurements; besides even place or emolument. His lordship denies any obligations or personal favours whatever. I am ready to give his lordship full credit for this declaration; but he will permit me at the same time to observe, that smiles may do a great deal; that if he had nothing to ask for himself, he has had friends, relations and dependants amply provided for: I will not say beyond their deserts, but this I may say, much beyond their most sanguine expectations. Independent however of these considerations, I think the pride of directing the councils of a great nation, to certain favourite purposes, and according to certain preconceived principles, may possibly effect great things, and tempt to great hazards, considering the frame and temper of some men's minds.

Lord *Mansfield* now rose, in great passion. He said, he thought it had been the leading characteristic of that assembly, when contrasted with the other House, who too often descended to altercations and personal reflections, to always conduct themselves like gentlemen; but he was sorry to see that rule departed from this evening for the first time. He charged the last noble lord with uttering the most gross falshoods. He totally denied that he had any hand in framing all the Bills of the last session; and was certain, that the law officers of the crown never asserted that they had no hand in them; but whether they had or had not, was of no consequence to him, for he was clear, the

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charge, when applied to him, was as unjust as it was maliciously and indecently urged.

The Earl of *Shelburne* returned the charge of falsehood to lord Mansfield in direct terms; he appealed to the House, whether the words he had used, were not, "that if among the Bills of the last session, there were some disavowed by the law officers of the crown, it was natural for the public to look at a law lord, notoriously high in favour in the cabinet, to whose sentiments the principles of those Bills appeared to be particularly adapted, and with whose doctrines they entirely agreed;" which he called on his lordship to contradict, if he dared.

The Duke of *Richmond* animadverted, in very severe terms, on an expression which fell in the heat of debate from a noble lord (Lyttelton). He said no man could impute littleness, lowness, or cunning, to any member of that assembly (alluding to what his lordship had pointed at lord Camden) for delivering his sentiments freely, unless he drew the picture from something he felt within himself, as, by illiberally charging others with low and sinister designs, the charge could only be properly applied to the person from whom it originated. His grace entered into a full consideration of the true purport of what had fallen from a noble lord in office (lord Rochford) relative to the present language and disposition of the French court. He said, the assurances now quoted, with so much official parade, and so seasonably brought under consideration, without any design, were, or were not, to be relied on: that they were not to be entirely relied on, the noble lord partly confessed, by insisting, that we were prepared for the worst: he should be therefore glad to know what those preparations consisted in; what proportion they bore to the strength of those, who in the contest might possibly become our adversaries: and above all, he should be obliged to the noble lord, who presided at the head of the naval department, to lay before the House an authentic, precise state of what our naval force consisted in; because he had observed, that on a former important occasion, we received the most full and solemn assurances, that our navy was on a very respectable footing at the time of the dispute about Falkland's Island; yet it was afterwards discovered, that we had not a single ship of war fit to proceed to sea. His grace then proceeded to discuss the question at large, relative to our present unhappy disputes with America, and by the several important lights he let in on the subject, and the variety of interesting facts he adverted to and elucidated, he shewed himself to be very fully and thoroughly informed of the conduct of the contending parties; of the provocations given on one side, and the effects they produced on the other; and, above all, the total ignorance of administration, relative to the temper and disposition of the colonies.

The Earl of *Sandwich*, to answer his grace, apologized for rising at that late hour of the night. He said, he had employed himself in taking notes the whole evening; and intended, before he went away, to have eased himself of the burthen (an expression of lord Shelburne's); but as the matter had been already so fully discussed, he should not, at so unseasonable an hour, trespass on their lordships' patience, but solely confine his reply to the information desired by the noble duke, relative to the department over which he had the honour to preside. He said, when he came to the Admiralty board, the navy was in the most ruinous condition; so much, that within the last four years there were no less than forty line of battle ships broke up, and even six in the course of the last year; that there was not six months timber of any kind in the yards, and in some, he believed, not 50*l.* worth; and that he did not impute the least blame to the great and gallant officer, the first in the world in his profession (sir Edward Hawke) whom he had succeeded, and who had retired purely on account of his age and infirmities. His lordship next contrasted the present state of the navy. He said, we had now nearly fourscore ships of the line, and several more building in the King's and merchants' yards, with a proportionable number of inferior rates, all either stout, clean ships, or vessels newly built; that we had three years seasoned timber in the yards; that all that were not on actual service, or turned in guardships, were in dock, where they could not meet with any injury; that the guardships which formerly were useless, in cases of emergency, not being fit for the sea, nor having rigging, or more than a third of their complement of men, were now ready for any service, at a few days notice, which he instanced in the year 1773, at the time we meant to send a fleet to the Mediter-

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ranean, when ten men of war of the line actually sailed from Plymouth within three days after they received their orders. He next informed the House, that there were twenty guardships, three of which of the line of battle were on the American station; that we had squadrons besides in the East and West Indies, the Leeward Islands, and Mediterranean; that after sufficiently providing for those respective services, the naval force for home protection would consist of 17 men of war of the line, besides frigates, 7,200 seamen, and 800 marines; that after the peace of Aix la Chapelle in 1748, our whole naval establishment did not exceed that now reserved for the channel alone, 8,000 seamen, including marines, being only voted; and that he would pledge himself to answer all the demands, and co-operate with the intentions of administration, with only an augmentation of 2,000 men. He added further on the same head, that we had a fleet superior to any that the combined force of France and Spain could fit out; that our ships were all clean, well provided, rigged, and ready to proceed to sea on a few days notice; and that we had a supply of seasoned timber in our yards equal to three years consumption. That this was a force fully sufficient to defend us against any sudden attack of the combined fleets of France and Spain, though he was well assured they had no such intention; but if they had, we were prepared for them; and that he would now pledge himself to the House and the public, that with an augmentation of 2,000 seamen more, he would supply government with such a naval force as would at once protect us at home, and be sufficient to enforce its measures respecting America. He begged, however, that the House would not understand that he arrogated any peculiar merit to himself relative to the present state of the navy, compared to what it was when he was called to the head of the Admiralty, for very little of it fell to his share. He had only performed his official duty; it was to lord North, who had been the means of so amply providing for it in the House; and to his lordship, therefore, almost the sole merit was due, that our navy was now put on so respectable a footing.

The Duke of *Richmond* controverted several of the positions laid down by the noble earl, both respecting the disposition of the French and Spaniards, and the force sufficient to resist them, should they make any attempt on these kingdoms, or give an occasion for a rupture by their conduct in the American seas. He again commented very ably on the answer given by the French minister. What does this answer import, says his grace, supposing it to be literally kept on their part? That if you detect any of their ships trading with our American subjects, we shall be at liberty to seize them, and confiscate their cargoes. Does the noble earl pretend to interpret this explanation generally so as to authorize our taking their vessels at sea? If he does not, what can such a vague deluding promise avail? If he does, then I will venture to assure his lordship, that he is miserably deceived; and that the first attempt to prevent French or Spanish ships from navigating the American seas, for pretences will never be wanting on such occasions, will furnish them with an opportunity of asserting their maritime freedom, of making reprisals, and of justifying their conduct to the other great states of Europe, who are known to be long jealous of what they are pleased to call our despotic claim to the sovereignty of the ocean. The noble earl gives us a melancholy account of the deplorable, ruinous state of our navy, at the time he came to preside over our naval concerns. He says our ships were rotten, and our guardships useless. I would be glad to know from his lordship, what have been the means employed to work this miraculous change. He speaks of so many ships of the line proceeding to sea in three days; and of captain Barrington's great merit in that business. No lord in this House has a higher opinion of that gentleman's merit as an officer, than I have. I remember well the time the royal naval review was at Portsmouth, that able officer had his ship some hours ready to proceed to sea, before the division under the command of a noble lord in this House (lord Edgcumbe). The noble earl dwelt greatly on the manner our guardships are manned and provided; yet I well recollect, that in the royal presence, when we may presume every nerve would have been strained, the Plymouth division took above three hours in weighing. The apology then made was, that the ships had not more than half their complement of men; and I can affirm that capt. Barrington's ship was the only one which seemed to answer the anxious expectations of the spectator.

The Earl of *Sandwich* replied humorously, in the words of the old ballad of

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Chevy Chase, written, as he said, in the time of Henry 4. "I trust we have many as good as he." He insisted, without any disparagement to the honourable captain, there were several as able officers in the navy as he; that wind and tide, and a variety of circumstances attendant on them, were not to be commanded. He assured the noble duke, let the consequences be what they might, they would not wait for the French ships being in port, or even in with the land; but would seize them without ceremony in the first instance; and trust to the event, be it what it might; administration being determined to abide, if necessary, to enforce the true terms of the explanation, in the sense only it was desired and given. As to the other part relative to the state of the navy, and his reasons for pronouncing with so much confidence concerning it, he told the noble duke, that the case was now entirely different from what it was in 1770; for that towards the conclusion of the late war, when the public exigencies called for a powerful fleet, they were obliged to make use of green timber, of any kind of timber, in the construction of our ships of war; that those ships rotted at the end of five or six years; whereas these built lately would stand thirty, as they were built of seasoned timber, of which we had a large three years stock; and that besides we made use of another precaution, which was still seasoning the timber while the ship was building, by giving orders that no man of war should be hastily built, or launched in less than three years after she was put upon the stocks.

The Bishop of *Peterborough* (Dr. John Hinchcliffe). Throughout the whole of this day's debate, and indeed on every question relative to America, it has been to me of very serious concern, to see so much of your lordships' time taken up in mutual charges and recriminations. It is but too evident, that a complicated variety of very untoward circumstances have combined to bring Great Britain and her colonies into so great difficulty and embarrassment, that to extricate them requires all your lordships' temper as well as wisdom. Yet while we have heard, on the one hand, lords, eminent for their abilities and experience, assert, that the constitution is violated, and the sacred rights of our fellow subjects encroached upon by principles of arbitrary power, till resistance itself is thought justifiable; we are assured, on the other, by authority no less respectable, that opulence and security have begot a desire of independence in our colonies; that a spirit of discontent and disaffection is gone forth, which has been unhappily increased by the arts and encouragement of some men here at home, under the influence of like passions, till America is become impatient of all legal restraint, and determined to break through every tie which has hitherto connected her with the mother country.

I rise, not to trouble your lordships as an advocate for either extreme of opinion, but profess that, above all things, I wish for reconciliation upon the very easiest terms that, consistently with the just authority and pre-eminence of this country, can be admitted as a ground of re-union. Yet sensible as I am that it is my duty, nor is it less my inclination, to promote peace, yet cannot I, for fear that our commercial concerns should suffer a temporary interruption, wish to see the honour and lasting prosperity of this country sacrificed to its temporary interests. For, waving all discussion of that great constitutional question, whether or not the legislative supremacy implies or not the right and power of taxation, there is to my understanding a very evident distinction between an internal general tax, and a port duty, upon any article of trade, which the subject is at liberty to purchase or not, as he thinks proper.

I am aware, that the advocates for the total independence of America have endeavoured to prove, that a duty so raised is illegal and oppressive as any other tax whatever; but to have made it so, parliament must have done by the tea in America, what is done in France by the salt, have obliged every family to have bought, not as much as they were willing, but as much as it was thought they were able to consume.

That there is a power in this country to regulate the trade throughout all the ports of the whole British empire, is what, I believe, hardly one of your lordships will contest. It would be of use, therefore, in shortening this debate, to recollect, that it was for the tumultuous resistance to this acknowledged right of the legislature, that the port of Boston was shut up. I am free to own, that there may be an oppressive exercise of even an acknowledged right; but it will be a difficult matter to bring the duty upon tea under that description. The noble lord (Camden) before me acknowledges, that he made no objection to it at

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the times it was laid, though he was then in the highest department of the law, with so much credit to himself and satisfaction to the public; he will allow, therefore, that there was no appearance of illegality in its origin; it was also moderate in its exercise; it affected not a necessary of life, and left the American consumer of a foreign luxury in a much better situation than any subject in Great Britain. But admitting that the people of Boston, either from their own notions of the matter, or from prejudices instilled into them, thought the duty upon tea an oppression, it surely was incumbent on them to have presented a memorial or petition to parliament; not to have invaded private property with violence, nor to have treated the sovereign legislature of Great Britain with insolence and contempt. Reparation ought long ago to have been made for these offences; and it is in order to obtain it that I understand administration think themselves under a necessity of adopting coercive measures, as the only means to bring about a lasting union.

As a learned lord, (Camden) in the course of this debate, has taken occasion to censure the two Acts which passed in the last session, after the Boston Port Bill; I will beg your lordships' indulgence while I say a few words to each of them. First, as to the Bill for the impartial administration of justice in Massachuset's Bay: was I to take my idea of this Bill from what has fallen from the learned lord, "that by coupling it with the statute of Henry the eighth, it gave a full power to bring the Americans over here to butcher them in the King's-bench," I should conclude that it was a Bill empowering administration to tear any obnoxious person from his wife and family, and carry him to a foreign judicature to answer for crimes said to be committed in his own country; whereas, in truth, it is a Bill of mercy, as well as of justice, giving security to persons acting under legal powers, that they shall not, in the discharge of their duty, be subject to the resentment of a factious and deluded populace, who neither acknowledge the laws, nor the authority of the magistrate; besides the Bill is temporary, and respects only the present tumultuous state of the province.

As to the other Bill for altering the charter of Massachuset's Bay, which the same learned lord represents as an exorbitant abuse of parliamentary power, I will only say, that an alteration, full as material, in that very charter, was made by king William immediately after the Revolution. Shall it then be said, in this House, that it is an abuse of power for the present King, sitting in his parliament, to do an act similar to what king William, that great restorer of British freedom, did by the advice of his council only; though that council was composed of men that loved liberty as well, and hazarded as much in the preservation of it, as any set of patriots before or since.

As to the papers upon your lordships' table, it appears from them to be the general opinion of all those who, either from their office, or their situation, are capable of judging what will be the probable effect of it, that a steady perseverance to support the rights of the legislature will, in the end, bring the Americans to a just sense of their duty and their interest. It will then be time for tenderness and forgiveness. May I not add, it will then be time for indulgence even to popular prejudices, and that idea they are so fond of, the right of taxing themselves. But was Great Britain tamely to submit to the indignities that have been put upon her, her condescension would defeat its very purpose, and be treated as a meanness and timidity. It might, indeed, procure peace; but it would be only drawing ashes over the embers, that would still be burning underneath, or, like the act of an unskilful surgeon, who heals the wound outwardly, while it is still left festering within.

I shall, therefore, give my vote for this Address; not because I love coercive measures, though to a certain degree, they may become necessary. I approve of it rather, because it takes the middle way so much recommended by the noble and learned lord; for the steadiness is the means, yet reconciliation is avowedly the end proposed. Reconciliation is what I shall never lose sight of; and I am persuaded that, could your lordships be induced to join unanimously in this Address, it would speedily bring about what all your lordships are desirous of, the peace, harmony, and lasting prosperity of the British empire.

The Duke of *Richmond* observed, that he thought it was extremely improper for the right reverend bench to take any part on the present occasion, or to be at all accessary to the shedding of the blood of their fellow-creatures and fellow-subjects. It would be much fitter, if they interfered at all, to act as mediators, than as perse-

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tutors; more consistent with the principles they professed to teach; but much more particularly suited to the sacred functions they were called to discharge. He said, that by the specimen now given, he should not be surprised to see the lawn sleeves upon those benches stained with the blood of their innocent and oppressed countrymen on the other side the Atlantic.

The Duke of *Manchester* animadverted with great energy on the very indecent and unprecedented attack made by a noble lord early in the debate (lord Lyttelton) on all those who happened to differ with him. He said it was a pretty method of convincing an adversary, to tell him that his opposition to measures was founded in the worst motives; and that all who entertained contrary sentiments to his own, were weak and wicked counsellors. Such language had been always discountenanced, and he hoped would always meet with the strongest marks of discouragement and disapprobation in that House, as it would otherwise banish all sober deliberation and free discussion from within those walls; and introduce in their stead the most improper personalities and disgraceful altercations.

Lord *Lyttelton* endeavoured to exculpate himself from the charges of the two noble dukes. He said, any thing severe he might have dropped respecting a noble and learned lord on the other side, was only upon certain suppositions. He had not, however, changed his opinion relative to the true interpretation of treason; nor could he bring himself to subscribe to his lordship's definition of it; as the more he thought on the subject, or heard it argued, the fuller he was satisfied that America was in rebellion. He said, he had a very high authority to support him (lord chief justice Foster) and a real friend to liberty, who enumerates several species of treason, besides those expressly defined by the statute of the 25th of Edward 3, and lays it down as law, though a consultation to levy war, in which the person of the king is not meant to be injured, may appear not to be treason within the statute of Edward 3, yet that an overt act of one species of treason may be good evidence to prove an intention to commit the other.

Lord *Mansfield* assured the House, that he had not given the least intimation to the noble lord of what he now urged; but that it was nevertheless the general doctrine laid down by those who had written on the subject. He was personally acquainted with the great law authority now quoted, who assured him, he was present in court at the trial of the offenders in queen Anne's time, who pulled down the Meeting-Houses, and that Holt, chief justice, and the rest of the court agreed, that evidence of an overt act of one species of treason was sufficient proof of an overt act of another species of treason.

Lord *Camden* still retained his former sentiments; he entered into a warm eulogium on the learned judge alluded to: insisted the doctrine now imputed to him was not his; offered to meet the noble and learned lord on the other side on that ground; and remarked, that the intended object of the language held this day, was to bring the unhappy Americans to England to be tried, under the Act of Henry 8, and have them butchered in the King's-bench. Early in the debate, lord Mansfield having said, that the ministers of the Church of England were persecuted by the fanatics of Boston, and other parts of New England, lord Camden reprehended him very severely, for using such inflammatory language.

The Earl of *Dartmouth* closed the debate. He said, that he approved of the measure; that America would be tenderly and gently treated, if they would return to their obedience; that he was directed by his own judgment, not by lord Mansfield's; and that he believed lord Mansfield was totally unconnected with the present administration.

The above debate lasted till forty minutes past one o'clock in the morning; when the previous question was put, whether the main question shall be now put? Contents 90, Proxies 14—104; Not Contents 29. It was resolved in the affirmative.

Protest against the Refusal to receive the Petitions of the North American Merchants.] The following Protest was thereupon entered:

"Dissentient'

"1st, The previous question was moved, not to prevent the proceeding in the Address communicated at the conference with the Commons, but in order to present the Petition of the North American merchants, and of the West India merchants and planters, which petitions the House might reject if frivolous, or postpone if not urgent, as it might seem fit to their wisdom; but to hurry on the business to which these petitions so materially and directly related, the express prayer of

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which was, that they might be heard before "any resolution may be taken by this right honourable House respecting America;" to refuse so much as to suffer them to be presented, is a proceeding of the most unwarrantable nature, and directly subversive of the most sacred rights of the subject: it is the more particularly exceptionable, as a lord in his place, at the express desire of the West India merchants, informed the House, that, if necessitated so to do, they were ready, without counsel or farther preparation, instantly to offer evidence to prove that several islands of the West Indies could not be able to subsist, after the operation of the proposed address in America. Justice with regard to individuals, policy with regard to the public, and decorum with regard to ourselves, required that we should admit this Petition to be presented. By refusing it, justice is denied.

"2dly, Because the papers laid upon our table by ministers are so manifestly defective, and so avowedly curtailed, that we can derive from them nothing like information of the true state of the object on which we are going to act, or of the consequences of the resolutions which we may take. We ought (as we conceive) with gladness to have accepted that information from the merchants which, if it had not been voluntarily offered, it was our duty to seek. There is no information concerning the state of our colonies (taken in any point of view), which the merchants are not far more competent to give than governors or officers, who often know far less of the temper and disposition of the people, or may be more disposed to misrepresent it than the merchants. Of this we have a full and melancholy experience in the mistaken ideas on which the fatal acts of the last parliament were formed.

"3dly, Because we are of opinion, that in entering into a war in which mischief and inconvenience are great and certain (but the utmost extent of which it is impossible to foresee), true policy requires that those who are most likely to be immediately affected, should be thoroughly satisfied of the deliberation with which it was undertaken; and we apprehend that the planters, merchants, and manufacturers, will not bear their losses and burthens, brought on them by the proposed civil war, the better, for our refusing so much as to hear them previous to our engaging in that war; nor will our precipitation in resolving, add much to the success in executing any plan that may be pursued.

"We protest therefore against the refusal to suffer such petitions to be presented, and we thus clear ourselves to our country of the disgrace and mischief which must attend this unconstitutional, indecent, and improvident proceeding.——*(Signed)* Richmond, Camden, Torrington, Archer, Stanhope, Cholmondeley, Rockingham, Wycombe, Craven, Courtenay, Abingdon, Effingham, Ponsonby, Fitzwilliam, Scarbrough, Abergavenny, Portland, Tankerville."

Protest against the Address to the King upon the Disturbances in North America.] Then the main question was put, "Whether to agree with the Commons in the said Address, by inserting the words, 'Lords spiritual and temporal, and?'" It was resolved in the affirmative.

"Dissentient'

"1st, Because the violent matter of this dangerous Address was highly aggravated by the violent manner in which it was precipitately hurried through the House, lords were not allowed the interposition of a moment's time for deliberation before they were driven headlong into a declaration of civil war. A conference was held with the Commons; an address of this importance presented; all extraneous information, although offered, positively refused; all petitions arbitrarily rejected; and the whole of this most awful business received, debated, and concluded in a single day.

"2dly, Because no legal grounds were laid in argument or in fact to show that a rebellion, properly so called, did exist in Massachuset's Bay, when the papers of the latest date, and from whence alone we derive our information, were written. The overt-acts to which the species of treason, affirmed in the Address, ought to be applied, were not established, nor any offenders marked out. But a general mass of the acts of turbulence, said to be done at various times and places, and of various natures, were all thrown together to make out one general constructive treason. Neither was there any sort of proof of the continuance of any unlawful force from whence we could infer that a rebellion does now exist. And we are the more cautious of pronouncing any part of his Majesty's dominions to be in actual re-

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bellion, because the cases of constructive treason under that branch of the 25th of Edward the 3rd, which describes the crime of rebellion, have been already so far extended by the judges, and the distinctions thereupon so nice and subtle, that no prudent man ought to declare any single person in that situation, without the clearest evidence of uncontrovertible overt acts, to warrant such a declaration. Much less ought so high an authority as both Houses of Parliament, to denounce so severe a judgment against a considerable part of his Majesty's subjects, by which his forces may think themselves justified in commencing a war, without any further order or commission.

"3dly, Because we think that several acts of the last parliament, and several late proceedings of administration, with regard to the colonies, are real grievances, and just causes of complaint; and we cannot, in honour or in conscience, consent to an address which commends the temper by which proceedings so very intemperate have been carried on; nor can we persuade ourselves to authorize violent courses against persons in the colonies, who have resisted authority, without at the same time redressing the grievances which have given but too much provocation for their behaviour.

"4thly, Because we think the loose and general assurances given by the Address, of future redress of grievances, in case of submission, is far from satisfactory, or at all likely to produce their end; whilst the Acts complained of, continue unrepealed, or unamended; and their authors remain in authority here, because these advisers of all the measures which have brought on the calamities of this empire, will not be trusted while they defend, as just, necessary, and even indulgent, all the Acts complained of as grievances, by the Americans; and must therefore, on their own principles, be bound in future to govern the colonies in the manner which has already produced such fatal effects; and we fear that the refusal of this House, so much as to receive previous to determination (which is the most offensive mode of rejection) petitions from the unoffending natives of Great Britain and the West India islands, affords us but a very discouraging prospect of our obtaining hereafter any petitions at all, from those whom we have declared actors in rebellion, or abettors of that crime.

"Lastly, Because the means of enforcing the authority of the British legislature, is confined to persons of whose capacity, for that purpose, from abundant experience, we have reason to doubt; and who having hitherto used no effectual means of conciliating or of reducing those who oppose that authority: this appears in the constant failure of all their projects, the insufficiency of all their information, and the disappointment of all the hopes, which they have for several years held out to the public. Parliament has never refused any of their proposals, and yet our affairs have proceeded daily from bad to worse, until we have been brought, step by step, to that state of confusion, and even civil violence, which was the natural result of these desperate measures.

"We therefore protest against an Address amounting to a declaration of war, which is founded on no proper parliamentary information; which was introduced by refusing to suffer the presentation of petitions against it, (although it be the undoubted right of the subject to present the same;) which followed the rejection of every mode of conciliation; which holds out no substantial offer of redress of grievances; and which promises support to those ministers who have inflamed America, and grossly misconducted the affairs of Great Britain.——(*Signed*)——

Richmond, Craven, Archer, Abergavenny, Rockingham, Wycombe, Courtenay, Torrington, Ponsonby, Cholmondeley, Abingdon, Portland, Camden, Effingham, Stanhope, Scarborough, Fitzwilliam, Tankerville."

List of the Minority who divided upon the previous Question.

DUKES.
Cumberland
Richmond
Devonshire
Portland
Manchester.

MARQUIS.
Rockingham.

EARLS.
Abingdon
Besborough
Cholmondeley
Coventry
Effingham
Fitzwilliam
Scarborough
Shelburne
Spencer
Stamford
Strafford
Tankerville.

VISCOUNTS.
Courtenay
Torrington.

LORDS.
Abergavenny
Archer
Beaulieu
Camden
Craven
Fortescue
King
Sondes.

BISHOP;
Exeter

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The Joint Address of both Houses to the King on the Disturbances in North America.] The Joint Address was as follows:

"Most Gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in parliament assembled, return your Majesty our most humble thanks, for having been graciously pleased to communicate to us the several papers relating to the present state of the British colonies in America, which, by your Majesty's commands, have been laid before us: We have taken them into our most serious consideration; and we find, that a part of your Majesty's subjects in the province of the Massachuset's Bay have proceeded so far to resist the authority of the supreme legislature, that a rebellion at this time actually exists within the said province; and we see, with the utmost concern, that they have been countenanced and encouraged by unlawful combinations and engagements, entered into by your Majesty's subjects in several of the other colonies, to the injury and oppression of many of their innocent fellow-subjects resident within the kingdom of Great Britain, and the rest of your Majesty's dominions: this conduct on their part appears to us the more inexcusable, when we consider with how much temper your Majesty and the two Houses of Parliament have acted in support of the laws and constitution of Great Britain. We can never so far desert the trust reposed in us as to relinquish any part of the sovereign authority over all your Majesty's dominions, which by law is vested in your Majesty and the two Houses of Parliament; and the conduct of many persons in several of the colonies during the late disturbances is alone sufficient to convince us how necessary this power is for the protection of the lives and fortunes of all your Majesty's subjects.

"We ever have been, and always shall be, ready to pay attention and regard to any real grievances of any of your Majesty's subjects, which shall, in a dutiful and constitutional manner, be laid before us; and whenever any of the colonies shall make a proper application to us, we shall be ready to afford them every just and reasonable indulgence. At the same time we consider it as our indispensable duty, humbly to beseech your Majesty, that you will take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature; and we beg leave, in the most solemn manner, to assure your Majesty, that it is our fixed resolution, at the hazard of our lives and properties, to stand by your Majesty against all rebellious attempts in the maintenance of the just rights of your Majesty and the two Houses of Parliament."

The King's Answer.] His Majesty returned this Answer:

"My Lords, and Gentlemen,

"I thank you for this very dutiful and loyal Address, and for the affectionate and solemn assurances you give me of your support in maintaining the just rights of my crown, and of the two Houses of Parliament; and you may depend on my taking the most speedy and effectual measures for enforcing due obedience to the laws, and the authority of the supreme legislature.

"Whenever any of my colonies shall make a proper and dutiful application, I shall be ready to concur with you in affording them every just and reasonable indulgence; and it is my ardent wish that this disposition may have a happy effect on the temper and conduct of my subjects in America."

The King's Message for an Augmentation of the Forces.] Feb. 10. The following Message was presented to both Houses:

"G. *R.*

"His Majesty being determined, in consequence of the Address of both Houses of Parliament, to take the most speedy and effectual measures for supporting the just rights of his crown, and the two Houses of Parliament, thinks proper to acquaint this House, that some addition to his forces by sea and land will be necessary for that purpose; and his Majesty doubts not but he shall have the concurrence and support of this House (on whose zeal and affection he entirely relies), in making such augmentation to his forces as the present occasion shall be thought to require."

Debate in the Commons on bringing in the Bill for restraining the Trade and Commerce of the New England Colonies.] Feb. 10. The House having resolved itself into a Committee on the Papers relating to the Disturbances in North America,

Lord *North* moved, "That leave be

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given to bring in a Bill to restrain the trade and commerce of the provinces of Massachuset's Bay, and New Hampshire; the colonies of Connecticut and Rhode Island, and Providence Plantation in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein to be mentioned, under certain conditions, and for a time to be limited." He supported his motion, by declaring, that as the Americans had refused to trade with this kingdom, it was but just that we should not suffer them to trade with any other nation. That the restraints of the Act of Navigation, were their charter; and that the several relaxations of that law, were so many acts of grace and favour; which, when the colonies ceased to merit, it was but reasonable the British legislature should recall. In particular, he said, that the fishery on the banks of Newfoundland and the other banks, and all the others in America, was the undoubted right of Great Britain. Therefore we might dispose of them as we pleased. That although the two Houses had not declared all Massachuset's Bay in rebellion, they had declared, that there is a rebellion in that province. It was just, therefore, to deprive that province of its fisheries. That in the province of New Hampshire there was still a governor and a government; but government was weak in that colony; and a quantity of powder had been taken out of a fort there by an armed mob. Besides, the vicinity of that province to Massachuset's Bay was such, that if it were not added, the purpose of the Act would be defeated. Rhode Island he stated not to be in a much better situation than Massachuset's Bay; that several pieces of cannon had been taken there, and carried up into the country; and that they were arraying their militia, in order to march into any other colony, in case it should be attacked; and this could, in the present circumstances, be for no good purpose. That from Connecticut had marched a large body of men into the Massachusets, on a report that the soldiery had killed some people in Boston; and though this body had returned, on finding the falsity of that report, an ill disposition had been shewn, and that this colony was in a state of great disorder and confusion. To this he added, that the river Connecticut afforded the inhabitants of that colony an opportunity of carrying on the fishery. The same might be said of Rhode Island; and as the same argument of vicinity might be applied to both the provinces as well as to New Hampshire, in order to prevent the defeating of the Act, they also ought to be included in the prohibition to fish and to trade.

His lordship added, that he was not averse to admitting such alleviations of the Act as would not prove destructive of its great object. 1st, Therefore, he would move it only as temporary, to the end of the year, or to the end of the next session of parliament. 2dly, He would permit particular persons to be excepted, on certificates from the governor of their good behaviour: or upon their taking a test of acknowledgment of the rights of parliament.

Mr. *Dunning* thought the Americans had a right of fishing on the banks of Newfoundland. He said there was no rebellion in Massachuset's Bay; nothing that could be construed into treason; even if there was a rebellion in some parts, why was the whole to be punished? Why New Hampshire? Why Rhode Island? Why Connecticut? If the fact was true, that general Gage had attacked, was sacking and burning the town of Boston, and the Connecticut people resisting, the latter were not in rebellion. He said the ministers were the best authors of a receipt to make a rebellion.

Mr. Attorney General *Thurlow* said, that no resolutions, though of both Houses, can make a fact, or decide the law. He had given his opinion upon papers laid before him, that there was a rebellion in Massachuset's Bay. He defended his opinion, by an explanation of the facts upon which he gave it; first as to treason, next as to rebellion.

Mr. *Dunning* to explain. Rebellion is that state between government and its subjects, which between two hostile states would be war.

Mr. Solicitor General *Wedderburn* rose to prove a rebellion in America from the hon. gentleman's definition.

Mr. Speaker *Norton* gave his opinion on the point of law, divested of the facts, and left the committee to apply the facts, and the opinion. The law does not know the word 'rebellion.' Levying war against the king is treason; so is endeavouring to wrest the sword out of the hands of the executive power.

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Governor *Johnstone* said, that the proposition was absurd and cruel: absurd, because it took away trade from our own colonies, which, those who understood that trade must know we should not be able to transfer to ourselves, when it was taken from them: that God and nature had given that fishery to New and not to Old England: that when it was once destroyed, we should not be able to restore it to those from whom it was thus violently taken; because the little capital, vessels, and implements of fishermen (many of them poor) were only kept up by constant returns of profit: when the profits failed, the capital and implements would not be restored. That France, who was sufficiently alert at taking advantages, would come in for a part, at least, of the benefits of which we thus thought proper to deprive our own people. It was cruel, he said, in the highest degree, and beyond the example of hostile rigour. That a maritime people always drew a considerble part of their immediate sustenance from the sea. This Bill, therefore, would be inhumanly to starve a whole people, except such as a governor should think it proper to favour. That this partial permission must give rise to unjust preference, monopoly, and all sorts of jobs. He said he had served in the navy the whole of the last war; he had in his eye several captains, who had cruized off the enemy's coasts during the whole war, and he appealed to them for the truth of what he asserted, that it was a constant rule in the service to spare the fishing craft, thinking it savage and barbarous to deprive poor wretches of their little means of livelihood, and the miserable village inhabitants of a sea coast of their daily food.

Mr. *T. Townshend* urged strongly the contradiction which prevailed in the principles of the proposed Bill; for if the other provinces were in rebellion, as well as the Massachusets, why were they not declared so? If not, why were they included in the very same punishment?

Sir *George Savile* rallied with pleasantry some arguments of the lawyers about treasons, and exposed the idea of depriving a whole province of its subsistence, because a rebellion, we know not where, nor by whom, is lurking in it; and then punishing a second province, because it is next door to rebellion; a third, because it would be doing nothing if you let them escape; and a fourth, because otherwise ministry could not square their plan. He then took it up in a serious light, and said, that he had heard with pleasure many young members speak with much ability on this occasion. They all had apologized for their want of experience in this session. That he was obliged to consider, and apologize for himself, as a very young member of parliament. This will appear, said he, very strange to those who know that I have sat a great many years in this House. It is true I have carried through many turnpike Bills, several draining Bills, a multitude of navigations, and inclosures without number; but I am now come quite a novice to the ways and means for the ruin of trade and commerce, and the dismemberment of a great empire. He then entered into the general argument, concerning the justice of making all parts of a state contributary to the support of the whole, and that those who receive protection ought to submit to taxation. He admitted the general maxim to be true; but observed, that this was only in cases where all the parts received the same protection in equal benefits and equal privileges; otherwise equal payment for unequal protection would be injustice itself. That people by compact might give up a part of this right; but then this compact ought to be proved; and it ought to be proved also, that an adequate compensation was given for it, else the bargain would not be fair. And this brought him to the doctrine of resistance, which had been handled as best suited the purposes of those who used it. That if rebellion was resistance to government, he could not consider all rebellions to be alike;—there must be such a thing as justifiable rebellion—and submitted to the House, whether a people taxed without their consent, and their petitions against such taxation rejected; their charters taken away without hearing; and an army let loose upon them without a possibility of obtaining justice; whether a people under such circumstances could not be said to be in justifiable rebellion?

Sir *W. Meredith* expressed great sorrow and surprize, that the hon. gentleman should call the rebellion in America a justifiable rebellion, since it was the laws which they resisted; and he (Sir George) had consented to the Declaratory Act, which asserted a right in parliament to make laws to bind America in all cases whatsoever. The power of God himself was bounded within the limits of strict justice; a power to bind, in all cases whatsoever, had never been claimed by

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the greatest tyrant upon earth, nor by any earthly power, before the Declaratory Act. He thought, therefore, the hon. gentleman should move a repeal of the Declaratory Act, and of every Act that he thought injurious to the freedom of America, before he exhorted the Americans to bring on themselves, their families, and their country, all the horrid consequences of rebellion. He had opposed, and ever would do the principle of laying internal taxes on America; but it was not taxation, but the trade of Great Britain, which the Americans now opposed. The tea duty is the only tax that remains; a tax, which the Americans first resisted, had afterwards complied with, and paid regularly; but when the East India Company sent the tea to be sold at a lower price than the smuggler of Dutch and Swedish teas could afford, then they began to resist the law, then they destroyed the merchants' property, then they began to threaten ruin to the commerce of this country, not in support of liberty, but merely to support their own illicit commerce. He had promoted the repeal of the Stamp Act, but would never have taken the part he did, could he have supposed the ministers who gave up the advantages, would have maintained the principle of taxing America. Neither would he have consented to a repeal of the Stamp Act, had he not believed that the ministers of that time would have made some effectual provision for the security and protection of the merchants who trade to America. Instead of which, the Americans were then taught, that they had nothing to do but to threaten our merchants with ruin, and our manufacturers with famine, and then, upon such threats, the legislature of Great Britain must submit to their will. Three times, in the space of a few years, they had thrown the whole trade of Great Britain into confusion; that it had better be given up, than preserved on such conditions. Life itself was not worth keeping in a state of uncertainty and fear. Things were now brought to a crisis. The conflict must be borne, and he hoped would never end, but in relinquishing our connections with America, or fixing them on a sure and lasting basis. As to the proposal of stopping the fisheries, whatever distress it might bring on the Americans, they had no reason to complain. It was no more than they had begun to practise themselves. They had taken a resolution as far as in them lay, to ruin our merchants, impoverish our manufactures, and starve all the West India islands. To them, therefore, it can only be said,

——Nec lex hâc justior ulla,
Quam necis artifices arte perire suâ.

Lord John Cavendish and Mr. Townshend replied, that they had been in office with the right hon. gentleman who spoke last, when the Declaratory Act passed, and afterwards long continued in intimacy with him, but had never heard publicly or privately, of his objections to the Declaratory Act, before this year. They thought it very odd, that he should have voted for several severe and proscriptive Acts, in order to force the Americans to obedience to taxes, since he thought that we had no right to impose any, and that in this respect he had gone far beyond the most zealous partizans of the rights of this country: as little could they reconcile his voting last year against the repeal of the tea duty, with his aversion to the right of taxation.

Lord Beauchamp and sir Richard Sutton supported the motion on the equity of prohibiting the trade of those who had prohibited ours.

Mr. *Burke* said, that he did not mean to trouble the committee long—nor to be heard, beyond those to whom he immediately applied himself. That by the proposed Bill, they had disposed of four of their provinces. Some were troubled with a concealed rebellion; others were concealers of that concealment; some were infected; others next door to the infection. Provision, too, was to be made by licences and dispensations, and tests for those in the several provinces who were more innocent or more in favour. But there was a fifth province, for which no provision at all had been made, which was likely to be as great a sufferer as any of the other four, though not in rebellion, or in the neighbourhood of rebellion. This province had used no other force, but of one kind, which was not very terrible on earth, though it was said to offer violence to heaven, the force of prayers and petitions. That this province was England, which had now several hundreds of thousands of her property in the four provinces of New England. He then shewed, that New England was not a staple colony, and could only pay her debts through the fishery and the trades which depended upon it; and that to stop their fishery would be to beggar the English merchants and manufacturers. This he explained by entering into the nature of the New

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England trade. He further said, it had been asserted, falsely, that the New England people had refused to pay their debts. It had been said also, truly, that they had no compassion on the English manufacturers. But had their dishonesty been as true as the want of compassion, both might have been natural to those we called rebels, but what ought we to think of a British legislature, disabling the payment of debts, and having no bowels of compassion towards the sufferings of our own innocent constituents.

The question was called for about 12 o'clock, when the committee divided; for the motion 261, against it 85. Leave was accordingly given to bring in the Bill.

Debate in the Commons on the Augmentation of the Navy.] Feb. 13. The House being in a Committee of Supply,

Mr. *Buller* moved, That an additional number of 2,000 men be allowed for Sea Service for the year 1775. He stated the respective services our ships were on, and said that the proposed augmentation was necessary to enforce the measures of government in America.

Lord *North* remarked, that the subject had been so amply discussed on Friday, by being so much blended with the means of restraining the fishery of Massachuset's Bay, that he should have the less to offer upon this occasion; that the rebellious disposition and motions of that and other colonies made it necessary to have such a guard upon the coasts of North America, that the augmentation was highly necessary; and as the people of New England could not be restrained from the fishery without some sloops stationed for that purpose, the circumstance made it doubly requisite to provide accordingly. He gave no precise explanation; but only general assurances that this would be the last application of the kind. He said, he could not possibly pretend to foretel every event that might happen, and consequently could not bind himself by any specific promise or engagement.

Governor *Johnstone* observed, that this was a most extraordinary mode of procedure, and that he was at a loss to determine, whether it proceeded from ignorance or design. He was certain, however, that it gave full scope to gaming in the Alley, for stocks had been falling gradually, till they had now come down 5 per cent. It furnished a happy opportunity to those in the secret to enrich themselves at the public expence. He did not mean to bring home this charge to any particular person, or set of men; but it was well known it had been frequently practised by the confidential people in office.

Lord *North* knew nothing of what had been done by such people, but believed upon his honour, that none of the present confidential servants in office did game in the funds; for it would be basely betraying the confidence of their prince.

Lord *John Cavendish* and Colonel *Barré* accused the noble lord of great inconsistency, in thinking so far to blind the House as to have it believed that the augmentation asked for could answer any purpose but to convince the Americans of the inveteracy of the mother country against them, and to throw a reconciliation to a yet greater distance: that a few thousand seamen added to the service would never effectually answer the purpose, if that purpose was to prohibit the trade of the most commercial colonies in America; that the noble lord must mean only to trifle with the House, and with mankind, in declaring one day America to be in rebellion, the next prohibiting the commerce of Massachuset's Bay, and the third coming for so insignificant an augmentation; that the gentlemen on the same side of the House had repeatedly asserted, that the commerce of the New Englanders, and much of that of the other colonies, was contraband; and that America was peopled with smugglers, to the great detriment of that advantage, which would otherwise flow to this country: how could administration, therefore, with any degree of consistency, suppose that such a system of smuggling, added to a new created system of the same, the fishery, be all kept under by any thing less than the most powerful armaments?

Mr. *Cornwall*, taking an historical circuit of American affairs, in order to shew the connection and dependence of the minister's measures on each other, replied to the objections that had been started: he remarked, that to pass Acts to restrain commerce, and to declare the extra-provincial meetings in the colonies illegal, whose object principally was to import arms and ammunition, in order for the purposes of rebellion, would be nugatory and absurd, unless corresponding measures were taken to enforce those Acts; that as to great armaments and fleets of men of war of the line, the gentlemen of the House in that line of the military well knew them to be unnecessary, and out of

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the question; that sloops and the smaller frigates would answer all the purposes, by being properly stationed; that the Newfoundland fishery was so local, that a few sloops of war would nearly command the whole, unless some foreign power had a superior force there, with whom we were at war, or on ill terms; that in regard to the objections which had generally been made against using force with the Americans, he could not see their propriety, since he was persuaded that the Americans were determined to make the dispute a question of dependency on the crown of this realm.

Mr. *Charles Fox* contended strongly, that taking the affairs of America on the very footing upon which the hon. member had thrown them, that their conduct betrayed nothing but incapacity; that the gentlemen on the Treasury bench were repeatedly telling the House of the rebellion of the Americans, and how strongly they are persuaded that they mean to throw off all dependance on this country; how then, said he, are we to account for that slothful, dilatory conduct of administration, to sit quiet for so many months, and to seem in their management to have no idea that force could ever be used or would ever be necessary. If administration were really persuaded of the views and intentions of the Americans, if rebellion was written among them in such legible characters, why did they not take the earliest opportunity of preventing those intentions and of stifling that rebellion. Had they conducted themselves upon the principles of common sense they certainly would have been earlier in their intelligence to parliament, earlier in their application, and more vigorous in their measures. But this, Sir, is under the supposition that they knew the rectitude of their intentions, and approved their own conduct. He then deviated into a personal attack on lord North, but was uncommonly spirited throughout.

Captain *Walsingham* insisted that our present naval force was by no means adequate to the execution of our professed intentions; for that the squadron we designed for America would answer no purpose of stopping their commerce; or if we did send a sufficient one, our own coasts, comparatively speaking, must be left totally defenceless; as he was well informed, that France alone had 75 men of war of the line now, more than one half of which were manned, and fit for actual service. He then gave an account of a conversation which passed lately between him and a French gentleman well acquainted with the state of their navy; from which he was fully satisfied that the whole of our force, in every part of the world, would not be sufficient to defend us at home, should we blindly rush into a civil war.

Mr. *Temple Luttrell.* I rise up under a number of disadvantages, and shall scarce be able to express my sentiments without much agitation and embarrassment, a novice as I am at political disquisitions, and attempting, (from a seat which till this hour I might not call my own) to speak on a subject of such high import, in the presence, and possibly against the opinion of the most experienced statesmen in any country of the universe. But, Sir, it has been earnestly recommended to me, as well by the electors of the borough of which I have the honour to be a representative, as by several other persons of respectable consideration, that I will exert the utmost of my humble endeavours and faculties, towards the establishing of peace, and conciliating the affections of the American colonies with their parent state of Great Britain, and to promote the joint happiness of both divisions of this mighty empire, on the firm basis of equity and mutual good offices: and I should hold it an unpardonable omission of duty were I to remain now silent, especially as I was precluded by the dependence before parliament of a controverted return, from declaring my disposition towards the oppressed colonists, at the opening of the present session, when a speech from the throne of the most inimical tendency to America, and therefore the most alarming and dangerous tendency to the whole British realm, received the thanks of this House. I was under the same preclusion when commerce here stood a dejected supplicant, in just apprehension from the impending storm. Well, Sir, might she be alarmed, to see a pilot at the helm, as the winds and the billows arise, who, rather than part with the guns, throws the merchandize overboard; save them, Sir, he may, by so costly a sacrifice, but not for jubilee or triumph; they shall be saved for signals of distress, and to solemnize the obsequies of your empire.

The merchants were not then to be heard lest their candid story should set in the proper point of view those insidious fragments of official letters laid on your table. What human understanding could

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cement such a mangled correspondence together, so as to derive any clear accurate knowledge of the real condition or sentiments of the Americans? Whatsoever might extenuate offences, excuse error, and restore perfect amity between the two countries, did the partial hand of administration wickedly suppress, while in too glaring a light was exhibited every fact that could serve to widen the breach, and inflame the passions, and blow up a faint, luckless spark of animosity to the full combustion and horrors of a civil war! These misrepresentations however answered the ends proposed, for both Houses were blindly entrapped to give their sanction to as sanguinary a scroll (in the form of an address) as was ever laid by a prostitute senate at the feet of deluded majesty. Did not your ancestors, Sir, manfully fight, did not some of them heroically fall, to preserve those constitutional rights of the subject to every Briton, which you have now by one vote pledged yourself, at the hazard of life and fortune, to subvert and to annihilate throughout the better part of the whole British monarchy?

I do not conceive it possible that any man here present can feel as he ought, be conscious of the least participation in the superintendence of the common-wealth, and remain a mere tranquil observer, when so interesting a subject comes before you; a subject on the issue of which perhaps his own individual happiness or misery, doubtless the happiness or misery of his nearest posterity will depend. With what bebitude, Sir, must the blood circulate through his veins! What must his definition be of an ignominious supineness and apathy!—This is not a debate of slow animation, in which few persons are concerned, and of limited influence; we are now to decide upon the fate of millions through a long series of ages, and the part which every man shall take on this occasion must stamp him with characters indelible through all eternity—a patriot or a parricide. It is, Sir, from the collisions of controversy that those radiant sparks are struck out by which truth lights her sacred torch—nor have I less expectation from those gentlemen who are but just initiated into parliamentary business, than from your veteran politicians "deep on whose front engraven" (to use the phrase of Milton) "deliberation sits and public care." Such veterans might indeed be our surest guides, were we now about to agitate questions wrapt up in subdolous Machiavelian mystery, and only to be developed by the acutest abstract reasoning. The present juncture, Sir, requires only a well principled heart, and a head moderately conversant with the nature of men and things.

It is not, I own, I feel, given to a young member to deliver his ideas with that guarded correctness, that unagitated confidence which long habitude of speaking usually supplies; but will he, Sir, yield with less ductility to the dictates and honest zeal of inward conscience? he comes among you at least with a judgment unbiassed: he has not pledged himself to any partial junto, whose maxims and interests he is at all events to adopt for the measure of his political career: he has not stood forth an accomplice to any of those manifold mischiefs and blunders which have heretofore been committed in the administration of your colonies: he has had no share in enflaming the evil by temporary anodynes; nor has he treated the imperial concerns of that wide-stretched continent as only accessary to, and of trivial account when compared with his own private schemes of ambition and aggrandisement. Upon the whole, Sir, I can but think him rather the more likely to execute the share of such important award committed to his discretion, as becomes an upright delegate of the people at large, heedless whether his conduct therein may quadrate with the narrow, selfish views of this or that set of men who are candidates for titles or power: not but that I have the satisfaction to see here present some characters animated with the true patriotic spirit, who have long and worthily been seated within these walls; on whose eminent talents, on whose approved integrity, America rests her best hope.

Such gentlemen as come within the scope of any of those disadvantageous allusions I have just thrown out, will consider, that a well-timed recession from error claims the next praise to a perfect exemption therefrom: they will no longer endeavour to palliate a dreadful disease, which, if once arrived at a full paroxysm, it will baffle the Esculapian skill of their expertest state-doctors to cope with.

Our present sagacious rulers had, it seems, drawn their political clue in that quarter of the globe to so Gordian a tie, that despairing to revolve by patience and sober wisdom through the several implications their hands had wrought, they

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took a summary recourse to the edge of the sword. Sir, their sword-law will best agree with the arbitrary principles and system of government applied to almost every department of the state by that flagitious confederacy which hath latently presided over the councils and arcana of the cabinet ever since the accession of our present most gracious sovereign. I say, Sir, that these occult dictators to the royal conscience should prefer the sword-law, I am not at all astonished; but that the ostensible adviser, a man of profound judgment, and the clearest penetration; a man whom the most slanderous of his enemies allow to possess the tenderest feelings of social affection, to be even prodigal of the practices as well as professions of humanity, that he, Sir, should with a ruthless composure, adopt and carry into execution their bloody mandates, may well create general consternation and the deepest concern. It was pronounced by a consummate minister, who once held the reins of government with so much honour to himself, and transcendant glory to the whole empire of Britain, that the Canadian America was conquered in Germany. It is, it seems, by the German policy of dominion, which our own clan-bred feudists are ever prone to expose, that British America is to be reduced to vassalage: but let the all-potent minions beware, lest while they are bowing the stubborn necks of these colonists to the yoke, they find not their own necks bow to the block of an executioner.

Sir, the far more considerable part of the people of England do now wish us to use temper, moderation, and forbearance towards America. "Dignos esse qui Romani fiant," (said the illustrious consul to the senate, of certain tributaries in allegiance to the Roman eagles), "eos, qui nihil præterquam de libertate cogitent." Sir, when the two most renowned republics of ancient time had long contended for universal empire, and victory over many a well-fought field had held almost an equal balance, then it was the rigid censor (M. Cato) denounced that memorable judgment, "Delenda est Carthago." Sir, the Carthaginians were the natural rivals of the trade and glory of Rome; they had in cool blood inhumanly put to death one of the most perfect heroes and patriots her annals could boast: in their national character they were perfidious to a proverb; and they early led their children to the altar to lisp assent to solemn adjuration of eternal warfare and vengeance against Rome. In short, Sir, the further existence of these Africans was become quite incompatible with the peace and security of the Roman commonwealth.

The words 'Delenda est Carthago' were, in the reign of our Charles the 2nd, borrowed by a member of the other House of Parliament, the famous earl of Shaftesbury, in height of passionate resentment against the Hollanders: but, Sir, though the Hollanders had to the most substantial injuries added the provoking insult of sailing up to the emporium of your commerce, with brooms at their mast heads; though they had by many an inveterate combat on the ocean brought your marine power, and consequently our very being as a people, to as desperate a crisis as ever befel Rome during the rage of the Punic wars, yet, Sir, it is a well-known anecdote of that day, there was scarce a peer in the assembly but stood aghast, and shuddered at the unchristian severity of the sentence. 'Delenda est Carthago' has been applied for the third time: it has, Sir, been recently and publicly applied, by an avowed zealous partizan of the present administration of your government, to our fellow subjects of America, and the news will, I fear, ere long reach your colonies.

I am not master of language sufficient in energy to give the due comment to such an expression: but, Sir, should it be here uttered in sobriety, and calmly listened to, might you not be apt to imagine yourself seated midst the deputies of the Indian tribes, near the interior lakes of that continent, and sacrificing to the demon of revenge, rather than with the deputies of the free, polished natives of the British isles, in their imperial seat of legislation? I can indeed easily conceive, that the gentleman alluded to (Mr. Van) was rather more forward, rather more ingenious, than the chieftains of his cause will thank him for: they hardly could mean, that the final catastrophe of this their tragic plot should be discovered just at the opening of the very first act.

It was a noble sentiment of Fenelon (archbishop of Cambray) that "he loved his friend equal to himself; his country far better than his friend and himself; mankind in general beyond all put together." What that amiable prelate makes Mentor say, on revealing a celestial form to the son of Ulysses, (who had just attained to years of manhood) may afford an allegory to assist the British legislature at some fu-

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ture period, in the safest and sagest conduct towards her colonists. "I have guided you through rocks and quicksands, through the ensanguined battle, and the various calamities incident to the human species: I have taught you, through forcible experience, the good and the bad maxims by which government may be carried on: it is now time that you be fully emancipated. Love your fellow creatures; endeavour to renew the golden age; avoid effeminacy, profuseness and ostentation; let simplicity be your best ornaments; on virtue and your own just actions rest your chief security; pure liberty, peace, delightful abundance, and unsullied glory ever attend you!"

I am sensible, Sir, that I have too long withheld the attention of the House from persons of far superior weight and abilities. I shall therefore at a future day hope for the same indulgence that has now been shewn me, while I urge, that to compel the Americans by a military force to acknowledge the paramount and unbounded authority of parliament, in the taxation of their property, property created by their intellects and industry, is neither just, politic, nor practicable; a measure totally repugnant to the liberal notions of rectitude which have ever characterized the happy natives of England, and irreconcileable with the spirit of those very rules and institutes, by which the three estates of this realm hold existence.

Mr. *Sawbridge* said, he perceived that administration were hurrying the nation to certain ruin, but he should reserve himself to speak on our present conduct towards America, till a fitter and some more convenient opportunity.

The motion was agreed to without a division.

February 15. Lord North, by his Majesty's command, laid before the House the following

Extract of a LETTER from the Earl of Dunmore to the Earl of Dartmouth, dated Williamsburg, December 24, 1774. Received Feb. 11, 1775.

My necessary absence on the occasion of the Indian disturbances, will, I hope, account and excuse me for my not having acknowledged your lordship's several letters in due time and order; and for not having regularly communicated accounts of the public affairs of the colony, to which some of them refer; and I wish I were now so fortunate as to have it in my power to make a representation of their appearing with a more favourable aspect, than when I last wrote upon these important concerns.

The associations first, in part, entered into, recommended by the people of this colony, and adopted by what is called the continental congress, are now enforcing throughout this country, with the greatest rigour. A committee has been chosen in every county, whose business it is to carry the association of the congress into execution; which committee assumes an authority to inspect the books, invoices, and all other secrets of the trade and correspondence of merchants; to watch the conduct of every inhabitant, without distinction; and to send for all such as come under their suspicion, into their presence, to interrogate them respecting all matters which, at their pleasure, they think fit objects of their enquiry; and to stigmatise, as they term it, such as they find transgressing, what they are now hardy enough to call the laws of the congress; which stigmatizing, is no other than inviting the vengeance of an outrageous and lawless mob, to be exercised upon the unhappy victims. Every county besides is now arming a company of men, whom they call an independent company, for the avowed purpose of protecting their committees, and to be employed against government, if occasion require. The committee of one county has proceeded so far, as to swear the men of their independent company to execute all orders which shall be given them from the committee of their county.

As to the power of government which your lordship, in your letter No. 11, directs should be exerted to counteract the dangerous measures pursuing here, I can assure your lordship, that it is intirely disregarded, if not wholly overturned. There is not a justice of peace in Virginia that acts, except as a committee man: the abolishing the courts of justice was the first step taken, in which the men of fortune and pre-eminence joined equally with the lowest and meanest. The general court of judicature of the colony is much in the same predicament; for though there are at least a majority of his Majesty's council who, with myself, are the judges of that court, that would steadily perform their duty, yet the lawyers have absolutely refused to attend, nor indeed would the people allow them to attend, or evidences to appear. The reason com-

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monly assigned for this proceeding is, the want of a fee-bill, which expired at the last session of the assembly; and it is a popular argument here, that no power but the legislature can establish fees; and the fee-bill not having been renewed, is attributed to the dissolution: but the true cause of so many persons joining in so opprobrious a measure, was to engage their English creditors, who are numerous, to join in the clamours of this country; and not a few to avoid paying the debts in which many of the principal people here are much involved.

With regard to the encouraging of those, as your lordship likewise exhorts me, who appeared, in principle, averse to these proceedings, I hope your lordship will do me the justice to believe, I have left no means in my power unessayed to draw all the assistance possible from them to his Majesty's government, but I presume your lordship will not think it very extraordinary, that my persuasions should have been unavailing against the terrors which, on the other hand, are held out by the committees.

Independent companies, &c. so universally supported, who have set themselves up superior to all other authority, under the auspices of their congress, the laws of which they talk of in a stile of respect, and treat with marks of reverence, which they never bestowed on their legal government, or the laws proceeding from it, I can assure your lordship, that I have discovered no instance where the interposition of government, in the feeble state to which it is reduced, could serve any other purpose than to suffer the disgrace of a disappointment, and thereby afford matter of great exultation to its enemies, and increase their influence over the minds of the people.

But, my lord, every step which has been taken by these infatuated people must inevitably defeat its own purpose. Their non-importation, non-exportation, &c. cannot fail, in a short time, to produce a scarcity, which will ruin thousands of families: the people, indeed, of fortune supply themselves and their negroes for two or three years, but the middling and poorer sort, who live from hand to mouth, have not the means of doing so, and the produce of their lands will not purchase those necessaries (without which themselves and negroes starve) of the merchants who may have goods to dispose of, because the merchants are prevented from turning such produce to any account. As to manufacturing for themselves, the people of Virginia are very far from being naturally industrious; and it is not by taking away the principal, if not the only encouragement to industry, that it can be excited; nor is it in times of anarchy and confusion that the foundation of such improvements can be laid. The lower class of people too will discover, that they have been duped by the richer sort, who, for their part, elude the whole effects of the association by which their poor neighbours perish. What then is to deter those from taking the shortest mode of supplying themselves? and, unrestrained as they are by laws, from taking whatever they want from wherever they can find it? The arbitrary proceedings of these committees, likewise, cannot fail of producing quarrels and dissentions, which will raise partisans of government; and, I am firmly persuaded, that the colony, even by their own acts and deeds, must be brought to see the necessity of depending on its mother country, and of embracing its authority.

Debate in the Commons on the Augmentation of the Land Forces.] Feb. 15. The House being in a Committee of Supply,

Lord *Barrington* moved, That 67,706*l.* 7*s.* 1*d.* be granted for the service of the year 1775, to enable his Majesty to augment his Land Forces with 4,383 men, officers and non-commissioned officers included. His lordship introduced his motion with explaining the several military arrangements, with stating the force to be kept at Boston, which he said would be about 10,000 men, and with giving general assurances, that no more troops would be wanted to enforce the execution of the laws: and added, that part of the additional expence would be incurred by the appointment of some additional officers to each regiment.

Colonel *Barré* said, that such appointment was putting the nation to an unnecessary expence, as it was to no manner of purpose.

Lord *Barrington* replied, this appointment would take place only in such regiments as were on actual service, and as the operations against the Americans were intended to be carried on by detachments, an additional number of officers would consequently be wanting.

Colonel *Barré* agreed to this reasoning, if that was the mode meant to be adopted, in case of hostilities.

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Mr. *Coxe* was strong against the resolution, and severe against the authors of so weak, cruel, and unnatural a measure.

Mr. *T. Townshend* insisted, that nearly half the number of men and all the officers now wanted, might be taken from the half-pay and Chelsea out-pension lists, without putting the nation to the heavy expence now proposed. He said, that there were 16,000 out-pensioners, many of whom were fit for actual service; and if they were not, they were at least fit to supply the places of the drafts that might be sent to complete the regiments now at Boston; that many of them were young men; and, on the whole, contended that the greatest part of the expence now proposed might be saved, as the difference of pay between the pensioners and those doing duty was not above a penny a day.

Colonel *Barré* reminded lord North of what had fallen from him on a former occasion, that we should want no new levies for enforcing measures against Boston, as with the regiments from Ireland, and the troops quartered in America, the force would be fully sufficient.

Lord *North* replied, that he did not recollect any such expression; that it must be a mistake, as the paper he now held in his hand, was the same he spoke from, when he was supposed to make use of the words now alluded to by the hon. gentleman.

The question being put, the Committee divided, Ayes 91, Noes 15.

Feb. 16. The Report of the Committee was brought up.

Mr. *Hartley* observed, that as we had hitherto proceeded totally in the dark, and determined on measures without sufficient previous information, so we were resolved to continue to proceed in the same blind blundering manner. We first agreed to go to war, without enquiring into the motives that should induce us to take so momentous a step, and then consented to employ a certain number of forces, without being acquainted with the particular services for which they were destined.

Sir *G. Savile* spoke much against the power vested in the commander in chief; and in the course of his observations made some very severe and pointed strictures on the Quebec Bill.

Lord *Beauchamp* warmly defended the justice and policy of the Quebec Bill.

February 20. Lord North presented the following

Extract of a LETTER from the Hon. Governor Gage, to the Earl of Dartmouth, dated Boston, January 18, 1775. Received Feb. 20.

My lord; it was thought impossible that the phrenzy which had seized the people could be of very long duration, unless constantly supported by new events; and there were hopes if tranquillity could be for a time preserved, that people would have leisure for reflection and think seriously of their danger, though the leaders have taken pains to assure them that Great Britain would be deterred from pursuing her measures, through their resolute opposition to them, and the resolves of the continental congress. I find by accounts from several parts of the country, that those hopes were not without foundation, that the people's minds are greatly cooled, and many begin to want courts of justice, and that the friends of government have shewed themselves openly in many places. I conceive the press, which has been more open to government than usual, to have been of very great use, through which channel the conduct of the leaders has been laid open, and the absurdity of the resolves of the continental congress exposed in a masterly manner, which has served to lower that impression of high importance, which the congress had made upon people's minds.

I hoped to have procured an association of many considerable people in this town, but find them more shy of making open declarations, notwithstanding they are protected, than people are in the country where they depend only on themselves and their friends for security. They give for excuse, that they must first know the resolutions from home on all that has passed in this country, and that it's time to declare when they are assured that the mother country will not relax, but resolve to pursue her measures. If they begin to associate in the town, it's likely they will also fall on means to pay for the tea, for as they are mostly traders it would be very advantageous for them to have the port opened, in the present conjuncture of their commercial affairs. We hear from New Hampshire, that the people who were concerned in the rash action against Fort William and Mary in that province are terrified at what they have done, and only anxious to obtain pardon for their offence.

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Debate in the Commons on Lord North's Propositions for conciliating the Differences with America.] Feb. 20. The House being in a committee of the whole House on the Papers respecting the Disturbances in North America,

Lord *North* rose and said: Sir; as I mean to offer to the consideration of the Committee some propositions which may be the ground of a Resolution, and which I conceive to be founded on the Address which the House has presented to his Majesty, I desire that the said Address may be read. [The Address was read accordingly.] His lordship remarked, that the Address, both as it was proposed, and in the sense in which it was understood when agreed to, meant to hold out to the Americans, that on the matter of taxation, although the parliament of Great Britain could never give up the rights, although it must always maintain the doctrine that every part of the empire was bound to bear its share of service and burthen in the common defence; yet as to the matter of that right, and with respect to the mode of the contribution, if the end could be obtained, and if the Americans would propose any means and give assurance of the prosecution of those means by which they should contribute their share to the common defence—he had said, he did not apprehend parliament would hesitate a moment to suspend the exercise of that right; but would concede to the Americans, raising their share of the contribution by themselves. This was the direct and avowed sense, in which the resolution for the Address was moved. I publicly, said his lordship, gave my opinion, and very explicitly said, that if the Americans would propose to parliament, any mode by which they would engage themselves to raise, in their own way, and by their own grants, their share of contribution to their common defence, the quarrel on the subject of taxation was at an end.

As nearly as I can recollect, these were my very words, but these, Sir, were the words only of a private member of parliament: they were but opinion given in debate. The words contained in the Address seem to many gentlemen to require this comment, this explanation, by parliament itself, in some clear, explicit and definitive opinion. That if the promise of indulgence on this point of taxation means really to hold out the grounds of peace, we ought to explain on what terms we will accede to it; and what the propositions are, which we are willing to accept. To be explicit, then, as to my own opinion, I must say, that if the dispute in which the Americans have engaged goes to the whole of our authority, we can enter into no negociation, we can meet no compromise. If it be only as to the suspension of the exercise of our right, or as to the mode of laying and raising taxes for a contribution towards the common defence, I think it would be just, it would be wise to meet any fair proposition, which may come in an authentic way from any province or colony: and on this ground it is that I shall propose to the committee the following Resolution: "That it is the opinion of this Committee, that when the governor, council, and assembly, or general court, of any of his Majesty's provinces or colonies in America, shall propose to make provision, according to the condition, circumstances, and situation, of such province or colony, for contributing their proportion to the common defence (such proportion to be raised under the authority of the general court, or general assembly, of such province or colony, and disposable by parliament) and shall engage to make provision also for the support of the civil government, and the administration of justice, in such province or colony, it will be proper, if such proposal shall be approved by his Majesty and the two Houses of Parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any duty, tax, or assessment, or to impose any farther duty, tax, or assessment, except only such duties as it may be expedient to continue to levy or to impose for the regulation of commerce; the nett produce of the duties last mentioned to be carried to the account of such province or colony respectively."

This resolution, added his lordship, marks the ground on which negociation may take place. It is explicit, and defines the terms, and specifies the persons from whom the proposals must come, and to whom they must be made. It points out the end and purpose for which the contributions are to be given, and the persons from whom the grant of them is to originate. It takes away every ground of suspicion as to the appropriation of the revenue when raised, to purposes for which the Americans never would grant it. And from the nature of it is seen, that it must be conclusive so long as the Americans observe the agreement. But

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many objections from various quarters, and on different grounds, will be made to it. If there be any persons who think we ought to make no advances towards accommodation, because they understand such to be concessions which we ought not to make—if there be any who may think the terms which this Resolution holds out are disadvantageous, I would not wish them to agree to it. But they will give me leave (who think, that even were we to impose terms in the hour of victory itself, this proposition would be a good, would be a just one) to propose it now, before any blood is shed. Some gentlemen may ask the question—will you treat with rebels? I am not treating with rebels. It has never been yet said, that all the Americans are rebels, or that all the colonies are in rebellion: it cannot, I hope, be said. There is certainly in the province of Massachuset a rebellion. But, Sir, could I open the door even to rebels to return to their duty, I should be happy. The specific rebellion of the Massachusets is, that the people of the province reject and oppose with force of arms, the government, as established by the King and parliament. The moment that they acknowledge that government, and meet in assembly to act under it, the rebellion is at an end. The propositions contained in the Resolution, form an express declaration, and do not begin a negociation.

Others perhaps will say, it is proper that parliament should bind itself: I answer, that whenever parliament confirms an agreement, it always does bind itself. Others will look to the effect; and ask what consequences do you expect from this? Will you in the mean time suspend your operations of force? Certainly not. The putting ourselves off our guard, is certainly not the way to treat on safe grounds or with effect. The ground on which we stand at present, is in all human probability such as will enable us to enforce, what we have a right to demand; and is therefore the most likely to claim attention, and to produce that effect by peace, which we are otherwise in a situation to procure by force of arms. Whether the Americans will accede to this or not, must depend on various circumstances that cannot be foreseen. If their outward pretensions be the real principles of the opposition which they have made, they must, consistently with those principles, agree to this proposition. If they do not meet us on this ground, it will evince that they have other views, and are actuated by other motives. It will have been wise, it will have been just, it will have been humane, that we have held out the terms of peace: if they reject it, their blood must be upon their own hearts. But I have better hopes: there are people, and I hope whole colonies, that wish for peace; and by these means, I hope they will find their way to it.

Governor *Pownall.* Sir; when in the last session of the last parliament, I marked to the House that the circumstances of the American affairs were brought to a crisis, and that that crisis was actually in event, wherein all opinion as to the modes of policy must be useless and at an end, and that your future deliberation would be only employed on measures of force, I took my leave of debate on this subject; I had imposed on myself a determined silence, and since I have had the honour of a seat in this parliament, have adhered invariably to that resolution.

I have been always an advocate for the colonies, and the British subjects in America. I have always defended their rights, where I thought any infraction was made on them. Where they have got into disputes on points where I could not think they were right, I have endeavoured to excuse or extenuate their fault; where I could not do that, I have yet at all times endeavoured to alleviate the resentment which may have been raised in this country against them. It would not, therefore, be suitable to the conduct which I have held, nor could I feel it proper for me to become their accuser and their persecutor, as some governors have done; much less could I ever bring myself to calumniate them.

I had early opportunity of seeing the commencement of this business. I was at the congress held at Albany in 1754. I had the means of then knowing the real opinions of some of the first men of business and ability in that country. I saw that a crisis of this nature was then taking its rise. I have in the course of my employment in that country seen the progressive advance of it: the whole scope therefore of my conduct whilst I was employed, and of every opinion which I have given, whenever I have been listened to, has been to advise such modes of policy, as might prevent matters coming to the point at which they are now arrived: but when I saw that such advice neither in this country nor in America was listened

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to—that matters were actually come to force, and all modes of policy ceased to have effect, and were at an end, I would not become an adviser of measures of force, nor ever have been advised with in them. Yet taking up the matter on the ground whereon it now stands, without consideration of that influence either of persons or things that have caused this effect; without looking into the conduct of various sets of men and various ministers, with whom I never had any connection, and with whom I never shall form any; having stood, and being determined to remain unconnected with all parties; speaking my own private sentiments, looking to things and not to men, I act from my own principles. On this ground having by my publications pledged myself to the public, I wish to be tried and judged by those principles, and I challenge any one to say that I have ever varied either in my principles or in my conduct. Taking then the matter on the ground whereon it now stands; when I see that the Americans are actually resisting that government which is derived from the crown, and by the authority of parliament; when I see them opposing rights which they always acknowledged, and for asserting which, I could produce the best authority (I mean their own authority, as expressed by one of their ablest agents) when I see them arming and arraying themselves, and carrying this opposition into force by arms; seeing the question brought to an issue, not on a point of right but a trial of power; I cannot but say, that it is become necessary that this country should arm also. It is become necessary, that this government should oppose its force to force; when that force is to be employed only in maintaining the laws and constitution of the empire. These, Sir, are my reasons for acquiescing (though I have neither advised, nor been advised with) in measures of force. The Americans themselves have rendered them necessary: but, Sir, another reason which has weighed with me, as to the mode of those measures, is, that it is founded in precedents, the authority of which I am sure gentlemen that may at present disapprove them, will not reject. I refer myself to the parliament that sat after the execution of Charles the 1st, when the government was formed into a republic; a parliament that perfectly understood the distinction between that resistance which is justifiable, and that which is rebellion. The colonies affecting to be the subjects of the King only, and not subordinate to the state, revolted from the government of the state, denied the authority of parliament, and set up a government of their own, independent of that state and parliament. The case is not very different from what has been affected to be stated in the present situation of things. See, then, what was the method taken by that parliament: they made a law totally to prohibit from trade Virginia, Barbadoes, and the rest of the colonies which were under that revolt; and as it is a precedent which has weighed with me for acquiescing in the proposition of bringing in a Bill to restrain the colonies of New England from trade, other than to England, and from fishing, until they acknowledged the authority of parliament; and as it contains not only a prohibitory, but a declaratory law of the right of parliament, I will beg leave to read it:* but although I

* The law referred to by governor Pownall is in Scobell's Acts and Ordinances, 1650, cap. 28. "Whereas in Virginia, and in the islands of Barbadoes, Antigua, St. Christopher's, Nevias, Montserrat, Bermudas, and divers other islands and places in America, there hath been and are colonies and plantations, which were planted at the cost, and settled by the people, and by authority of this nation, which are and ought to be subordinate to, and dependent upon England; and hath ever since the planting thereof been, and ought to be, subject to such laws, orders, and regulations, as are, and shall be made by the parliament of England: and whereas divers acts of rebellion have been committed by many persons inhabiting in Barbadoes, Antigua, Bermudas and Virginia, whereby they have most traitorously, by force and subtilty, usurped a power of government, and seized the estates of many well affected persons into their hands, and banished others, and have set up themselves in opposition to, and distinct from this state and commonwealth; many of their chief actors in, and promoters of these rebellious, having been transported and carried over to the said plantations in foreign ships, without leave, licence, or consent of the parliament of England; the parliament of England taking the premises into consideration, and finding themselves obliged to use all speedy, lawful, and just means, for the suppression of the said rebellion in the said plantations, and reducing the same to fidelity and due obedience, so as all peaceable and well-affected people, who have been robbed, spoiled, imprisoned, or banished, through the said treasonable practices, may be restored to the freedom of their persons, and possession of their own lands and goods, and due punishment inflicted on the said delinquents, do declare all and every

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have acquiesced in those measures, my eye has always looked to peace, nor have my endeavours ever ceased to labour for it, and I seize this first moment, in which I cannot but hope I see some dawn of peace, to speak to it for this once more. At present matters are come to the last extremity—this country and America are in the situation of open and declared war; they are on the very point of striking the blow which must be the beginning of shedding of blood. When two independent nations are in that situation, they generally, amidst their friends and allies can find some common mediator, that may at least bring them to some terms of conference, some mode of explanation, that may avert the war that is ready to commence; but where can that mediator be found that can stand forward between the subjects and the government of a country. Who can have sufficient authority to interpose in such a case, to prevent the fatal consequences? If the country gentlemen, the landed staple interest of this country? that have never taken any share in this business, as a party, will not on this occasion stand forth, there can be no such mediator. They alone are in that predicament which will enable them (and it becomes their actual duty) to stand forth on this occasion. It is their interest also, as well as their duty; for it is their interest that is principally at stake—and I do feel myself, I own, extremely happy, to see that the noble lord who has laid the proposition on your table, although as a minister it is his duty to support the authority of this country, and carry on such measures as his Majesty, by the advice of parliament, has thought fit to adopt; yet, Sir, I do think it is humane, it is nobly spirited in him, as a private member of parliament, as one of that candid body, which will, I hope, join him, to stand forth as the mediator upon this occasion, holding out such terms as may prevent a people from being driven to desperation; and may open a door to reconciliation, upon such terms as shall establish the authority of this country, and give security to the rights and liberty of America. And I own, I feel extremely happy to find that they are such terms as a wise and honest man might offer, even if the success of war had put into your hands the right of enforcing every thing that you claim; for even if we go to war, this business must finally end in negociation; and I wish the committee would attend to what I am going to say, (for I know it to be true) that the country of America must, for the future, be governed under regulations and forms, and a constitution that must be settled by compact. The relation between the two countries, must, in its future process, stand upon the compact; or this country must hold its dominion in the colonies by the tenure of a war, that will cost more than they are worth, and finally ruin both. In whatever instance you come to regulate their trade, you will always find yourself involved in disputes, and must have a never failing source of quarrel between this country and that, until the regulations and restrictions under which the whole of the American trade is to be carried on for the future, are settled by compact—If you mean to have peace for the future, this must be done. If you mean to retain that superintending controuling power of government which you have over the colonies, so as that it may act with effect, and yet retain them as subjects administered under government, and not subjected by force of arms, even their constitutions must for the future be settled by compact; their charters, which the King grants them, are not and cannot be considered as such compact; for if it was, the King making terms with any parts of his dominions, might dismember the empire, and set all the various parts of it together at variance and in war. Such compact therefore, temporary as it must be in its nature, must be under the supervision and supreme controul of parliament. Parliament must necessarily have a right to interfere, and I think should so far interfere, as to examine, to settle, and to give the several colonies once for all, such a constitution as is fit for such dependent communities within the empire; by settling with them and for them, such articles, terms and conditions as may be confirmed by act of parliament, in like manner as was done in the union of the two parts of the present

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the said persons in Barbadoes, Antigua, Bermudas, and Virginia, that have contrived, abetted, aided, or assisted those horrid rebellions, or have since willingly joined with them, to be notorious robbers and traitors, and such as by the law of nations are not to be permitted any manner of commerce or traffic with any people whatsoever; and do forbid to all manner of persons, foreigners and others, all manner of commerce, traffic, and correspondency whatsoever, to be used or held with the said rebels in the Barbadoes, Bermudas, Virginia, and Antigua, or either of them."

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kingdom, which articles when once confirmed by parliament, cannot, according to the law of nations, of justice and policy, be altered without the consent of the parties; until the colonies, holding their governments under the terms of dependency on the empire, shall break those conditions, or endeavour to emancipate themselves from them.

On the point of taxation this resolution goes to every thing that can or ought to be proposed; and is, if rightly understood, and accepted as it ought to be, a fair and just preliminary that must lead to peace. Although those spirits in America which are irritated, and in their resentments look to men rather than things, may be indisposed to receive any terms whatever, and willing to hazard all, rather than treat with men against whom those resentments are raised; and although those that take up this matter here, only as a measure of opposition, may endeavour to ridicule and obstruct every good effect which it might have; yet those men of weight and property, both here and in America, who have a real interest at stake, and not pledged to any party, but act from principle, must and will see, that the line of this proposition will lead finally to such settlement, in which alone their interest can be effectually secured, and the safety of both countries be firmly and permanently established.

If the committee will indulge me with their further patience for a moment, I will proceed to make one or two very short remarks on the tenor of the resolution itself. The resolution says, and says properly, that no proposition can be received by this country, but what comes from the general court or assembly of the respective provinces—that is the only authority, most undoubtedly, that this country can acknowledge and treat with—that is the only body that can have any authentic power to make any propositions; and although I know that those propositions cannot be any way regularly communicated to any congress or meeting of all the provinces; that no propositions coming from any such congress or meeting, could have authority to pledge or engage the provinces in any propositions that may be made—yet as I do apprehend that no general court, or assembly of any province, will listen to any matter that shall be proposed to them on this subject, or make any proposition hereupon; but as they take the tone from the opinion of that general congress which they have of late accustomed themselves to meet in, I should hope that some how or other the propositions of this resolution may find their way to such congress, so as to become a matter of their attention.

The next observation which I shall make is, that by the terms of this resolution, whatever contributions are agreed and settled as to be raised by the colonies, are to be raised under the appropriation of the common defence. This condition, Sir, is wisely grounded and decided—for it will remove every idea of appropriating it to a matter which the colonies most fear—it will avoid every suspicion of a misapplication to purposes for which it never was meant to be raised.

An hon. gentleman (Mr. Charles Fox) in a late debate, though he took up the idea in opposition, certainly was the first and the only one in that line of debate who hit upon the real jet of the dispute between this country and America. He very ably stated, that the reason why the colonies objected to the laying taxes for the purpose of a revenue in America, was that such revenue in the hands of government took out of the hands of the people that were to be governed, that controul which every Englishman thinks he ought to have over that government to which his rights and interests are entrusted. The mode of appropriation specified in this resolution takes away even the ground of that opposition—for although parliament is to have the disposal and expenditure of this revenue, yet as the settlement proposes that the colonies shall, by a particular revenue, make provision for the establishment of their own government, and specifies that the general revenue which shall be raised is for the common defence,—no part of this money so raised can be applied by parliament so as to destroy that controul which they so much contend for. The misapplication of that 4½ per cent. which was raised for the public service and common defence, to purposes totally foreign and alien to that end, has ever left in the minds of the colonists a suspicion which has stood in the way of all propositions made for raising any general revenue: but this resolution totally removes every ground of such suspicion, and leads to matters worthy of the attention of those who may have the carrying it into execution.

Upon these grounds it is, Sir, that although the propositions contained in this resolution may not come into direct nego-

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ciation; and although they do not contain all that I do suppose negociation will lead to, yet containing all that 'tis possible could be proposed in the present state of the business, I do believe that they will finally open the way to reconciliation and peace, and as such I have given my support, and do give my most hearty consent to them.

Mr. *Charles Fox.* I congratulate my friends, and I congratulate the public, upon the motion which the noble lord has now produced. He, who has been hitherto all violence and war, is now treading back his steps to peace. I congratulate my friends and the public on those measures which have produced this effect. It is now seen what the effects are which a firm and a spirited opposition will produce; it is the opposition which has been made in this House, although ineffectual to oppose the measures of ministers, whilst they were pleased to be violent, yet has had that effect, that they now find it their interest and their safety to be otherwise. The noble lord has receded from his proposition of violence—has begun (I mean if he is sincere) to listen to reason; and, if the same spirit of opposition continues to resist violence, and to support the liberties and rights of the colonies, he will grow every day more and more reasonable. He has quoted, as an authority, the conduct of nations towards each other; that, in the outset of their demands, they claim more than they are willing to accept; the noble lord has done the same, and, I dare say, will in a future day be as ready to recede from what he has now proposed, as he has now been humble enough to give up what he before so strenuously defended. I say this upon the supposition that the noble lord is sincere; but I cannot believe it. Besides the opposition which his lordship found obstructing his way, he felt, that even his friends and allies began to grow slack towards the vigour of his measures; he was therefore forced to look out for some propositions that might still induce them to go on with him, and that might, if possible, persuade the Americans to trust their rights to his candour and justice. What he has now proposed to you, does accordingly carry two faces on its very first appearance. To the Americans, and to those who are unwilling to proceed in the extremes of violence against them, he holds out negociation and reconciliation. To those who have engaged with him on condition that he will support the supremacy of this country unimpaired, the proposition holds out a persuasion that he never will relax on that point: but, Sir, his friends see that he is relaxing, and the committee sees that they are all ready to withdraw from under his standard. No one in this country, who is sincerely for peace, will trust the speciousness of his expressions, and the Americans will reject them with disdain.

Mr. *Jenkinson.* The hon. gentleman who spoke last, has among other objections stated, that the proposition now made to you is a total change of measures, and is totally new. Sir, it is so far from a change of measures, that it makes part of those very measures in which the House engaged itself when it presented the late Address to his Majesty. It speaks out as to what indulgence was held out and promised, and it speaks out as to the ground on which that indulgence can be granted. It lays down as a rule at the foundation, that every part of the empire must bear its share to the common defence; and as to the mode by which the provinces and colonies may contribute their share, it leaves that to the very course which their principles have always claimed it ought to go in. But it does it, Sir, in a way that maintains and supports the supremacy of parliament. The terms on which this agreement is to be established, must have the sanction of parliament, the revenue raised must be at the disposal of parliament. Sir, this is so far from being a proposition new at this day, that it is the very proposition which Mr. Grenville made to the colonies the year before he brought forward the measure of the Stamp Act: and, would the colonies at any time have come forward, and proposed any measures in this line of common service, the government of this country would, I believe, at all times have been ready to listen to them. If there be any thing new in this proposition, it is that it speaks out explicitly and definitely; and, if the colonies reject it, it leaves them without excuse in the eyes of all mankind.

Mr. *Welbore Ellis.* At all times, Sir, when I rise to speak in this House, I do it with a diffidence of my own opinion, but more so on the present occasion, as I am afraid I shall not only differ from my friends, but perhaps from every man in this House. I am extremely sorry to differ from the noble lord. It is from the sincere opinion I have of his abilities and integrity, not from any fear of his power.

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But, Sir, on the present occasion, the proposition which is now made to you, is so directly contrary to my idea of the Address, as I agreed to it, that I cannot, consistent with the opinion I then gave, accede to it. Sir, I was in hopes to find, and in any measure that I can agree to, I must expect to meet with, as the first step in the business, an express and definitive acknowledgment from the Americans, of our supremacy. Without that point first settled, I can neither receive nor consent to any other propositions. If I ask myself whether the present resolution expresses the meaning of the Address; I certainly must answer no. If I am called upon as a gentleman to say whether it does or not, I must, as a gentleman, upon my honour, declare that I think it does not. So far, therefore, as I have pledged my opinion in that Address, I find myself as a man of honour bound to oppose this proposition. But my mode of conceiving things can be no rule to other persons; and I own that I do not wish to impose my opinion upon any other person whatever. I wish not to influence any other person. Having therefore said thus much to explain and justify my own conduct, I think the best thing I can do is to sit down.

Mr. *Adam* spoke against the resolution, upon the ground of its waving, if it did not give up, the supremacy.

Mr. *Cornwall* explained the nature of the supremacy, and shewed how the measure now proposed was not only consistent with it, but the best and wisest measure, as a measure of finance. He confirmed what his right hon. relation had said as to its being no new proposition, but having been formerly made by Mr. Grenville.

Mr. *T. Townshend* replied to Mr. Cornwall.

Mr. *Ackland*. It is, Sir, with the greatest diffidence I rise to deliver my sentiments on this occasion to the House. Astonished at propositions I so little expected, I rise to beg permission of the House, to make the following motion: That the chairman do leave the chair. I am prompted to it by a conviction, that the propositions laid before the House, by the noble lord, can, on the principles of the gentlemen on the other side, produce no good consequences; on the principles of the gentlemen of this side, must produce many bad ones. Sir, I have supported administration on every American step they have taken during the session, because I approved them; and as long as I continued to approve them, I should have continued to support them. But, Sir, I cannot approve this measure, and therefore beg to make the above motion.

Mr. *Dundas*, solicitor general of Scotland, spoke in very strong terms, to mark the contradiction of the present measure to the Address, and to every other measure to which he had given his consent: declared that he could never accede to any concessions whatever, which he understood this to be, until the Americans did, in direct terms, acknowledge the absolute supremacy of this country; much less could he consent to such concessions, while they were in arms against it.

Sir *Gilbert Elliot*. The debate has taken a different turn from any that I could have conceived; and gentlemen have taken up ideas so contrary to every thing contained in the motion, that I own I cannot but wish to explain it, as I understand it to be; not only as it stands in the present resolution, but as I conceive it to be a part of a measure already entered into. The Address to his Majesty, in consequence of our considering the papers, contained, in the sense in which I agreed to it, two correspondent lines of conduct. With force to repress those that were in rebellion, with the protection of this country to defend those who were acting under the authority of it, to establish the government, and to enforce the laws of this country in the colonies, was one line of that conduct. You have addressed his Majesty to enforce all those measures that were necessary to carry this into effect. You have augmented your forces both by sea and land; you have raised money for this purpose; you have proceeded to measures of restriction, and are in a way to proceed still further in that course; in the whole of which, nothing is looked to but the support and establishment of the supreme authority of this country. The other line, whose direction is concurrent and concomitant with this, has been the holding out a promised indulgence to those who will do their duty towards this country. In an address, you can only state this in general and vague terms. You could not without taking it up as a particular point of consideration, and as a particular measure, express yourselves in an explicit and definitive manner to that point. While you are going on with the one part of this united measure, will you stop short in this, to which you have pledged both your honour and humanity? Sir, so far

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from the measure now proposed being contradictory to, or inconsistent with the other, the plan on which you sat out, at the opening of this business, would be defective, would be unjust, without it. While, therefore, you are maintaining the authority of this country, and that with measures of force, forget not your humanity and your policy. Each proposition is to me but part of one measure; and, as part of a measure which I have approved in the whole, I must give my consent to it.

Colonel *Barré.* How this new scheme of letting the Americans tax themselves, ever came into the noble lord's head, I cannot conceive. Whether it be the genuine product of his own new wisdom and policy, or whether it arises from prodigious cunning; whether from advice of any new friends, or springs from the friendship of old enemies, is impossible to conceive. By what I can collect, it is not likely to gain him any new friends from this side the House; and I should have thought it was going to lose him several friends from that side, had not the right hon. gentleman who spoke last, risen to his aid. When that gentleman pleases to exert his eloquence, there is something so powerful, so persuading, so leading in it, that those who were in doubt, become immediately convinced. His opinion, whenever explicitly given, becomes like a standard, under which even troops which have turned their backs, may be rallied and brought again to their ranks; and, notwithstanding what we may have thought some few moments ago, we shall yet see all the troops reconciled to the march they are to make. And I begin now to see, that whatever may be the various doubts, the opinions and speeches, on different sides, when we come to a division, I believe the use of a standard in this House will be seen, in that there will be scarcely any difference in numbers of those who have hitherto divided on either side. But though the noble lord's new motion will cause no new divisions amongst us here, yet it is founded on that wretched, low, shameful, abominable maxim which has predominated in every measure of our late minister, *divide et impera.* This is to divide the Americans; this is to break those associations, to dissolve that generous union in which the Americans, as one man, stand in defence of their rights and liberties. If you are so weak as to imagine, from any thing which that sincerely associated band of ministers can find in their own hearts, you can believe that the Americans are so foolish or so base to each other, you will be deceived. They are not such gudgeons as to be caught by such a foolish bait. But the noble lord does not expect it will be accepted; it is meant only to propose something specious, which he knows the Americans will refuse; and, therefore, offers to call down tenfold more vengeance on their devoted heads, rendered thus ten times more odious, by refusing such fair, such reasonable, such just, such wise, and such humane offers: but neither will this snare succeed.

Lord *North.* I agree, Sir, that it is very probable the propositions contained in this resolution may not be acceptable to the Americans in general: the resolution certainly does not go to all their claims; it is however just, humane and wise; and those in America who are just, who are wise, and who are serious, will, I believe, think it well worthy their attention. The gentleman has charged me with mean, low, and foolish policy, in grounding my measures on that maxim *divide et impera.* Is it foolish, is it mean, when a people, heated and misled by evil councils, are running into unlawful combinations, to hold out those terms which will sift the reasonable from the unreasonable; that will distinguish those who act upon principle, from those who wish only to profit of the general confusion? If propositions that the conscientious and the prudent will accept, will at the same time recover them from under the influence and fascination of the wicked, I avow the using that principle which will thus divide the good from the bad, and give support to the friends of peace and good government. A right hon. gentleman who always speaks and acts like a man of honour, and when he differs from his friends does it like a man of honour, thinks that according to the sense in which he understood the Address, that the propositions now proposed by me, totally deviate and depart from it; I will beg leave to refer that gentleman to the explicit language which I held when I proposed the Address: was it not precisely almost literally the same as what I now propose? I can even refer to my very words as being the same. I will appeal to the House, as to the manner in which I explain the idea of the indulgence which the Address held out and promised; and having held out and promised such in-

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dulgence, if I had not followed it by some propositions which were open, explicit, and definitive, I might indeed have been charged with throwing out deceptions to gentlemen here, and with laying a snare for our fellow-subjects in America. Whatever may be the reception these propositions shall meet with, I feel that I have done my duty fairly and consistently.

Mr. *Edmund Burke* declared he came to the House this day, upon the report of a change of measures, with a full resolution of supporting any thing, which might lead in any way towards conciliation; but that he found the proposition altogether insidious in its nature, and therefore purposely rendered to the last degree obscure and perplexed in its language. Instead of being at all fitted to produce peace, it was calculated to increase the disorders and confusions in America; and, therefore, he never could consent to it. He readily admitted, that the proposition was a contradiction to every thing that parliament had declared; a shameful prevarication in ministers; and a mean departure from every declaration they had made. He was however willing to purchase peace by any humiliation of ministers, and, by what was of more moment, even by the humiliation of parliament. But the measure was mean indeed, yet not at all conciliatory. The mode of argument, on the side of administration, he said, was the most ridiculous that ever had been known in parliament. They attempted to prove to one side of the House, that the measure was a concession; and to the other, that it was a strong assertion of authority—just on the silly principle of the Tea Act, which to Great Britain was to be a duty of supply, to the Americans a tax of regulation. He was equally surprised, he said, by another extraordinary phænomenon. Up to this day, during the whole course of the American debates, the ministry had daily and hourly denied their having any sort of contest about an American revenue: that the whole was a dispute for obedience to trade laws, and to the general legislative authority. Now they turned short; and to console our manufacturers and animate our soldiers, they told them for the first time, "the dispute is put on its true footing, and the grand contest is, not for empty honour, but substantial revenue." But manufacturers and soldiers, said he, will not be so consoled or so animated; because the revenue is as much an empty phantom, as the honour; and the whole scheme of the resolution is oppressive, absurd, impracticable, and what, indeed, the ministers confess the Americans will not accept; nay, what they own America has already rejected. It is oppressive; because it was never the complaint of the Americans that the mode of taxation was not left to themselves; but that neither the amount and quantum of the grant, nor the application, was in their free choice. This was their complaint, and their complaint was just. What else is it to be taxed by act of parliament in which they are not represented, but for parliament to settle the proportion of the payment, and the application of the money? This is the purport of the present resolution. If an act of parliament compelled the city of Amsterdam, to raise an hundred thousand pounds, is not Amsterdam as effectually taxed without its consent, as if duties to that amount were laid upon that city? To leave them the mode may be of some ease as to the collection; but it is nothing to the freedom of granting; in which the colonies are so far from being relieved by this resolution, that their condition is to be ten times worse than ever. I contend, that it is a far more oppressive mode of taxing than that hitherto used: for here no determinate demand is made. The colonies are to be held in durance by troops, fleets, and armies, until, singly and separately, they shall do—what?—Until they shall offer to contribute to a service which they cannot know, in a proportion which they cannot guess, on a standard which they are so far from being able to ascertain, that parliament which is to hold it, has not ventured to hint what it is they expect. They are to be held prisoners of war, unless they consent to a ransom, by bidding at an auction against each other and against themselves, until the King and parliament shall strike down the hammer, and say "enough."

This species of auction, to be terminated, not at the discretion of the bidder, but at the will of the sovereign power, is a kind of absurd tyranny, which I challenge the ministers to produce any example of, in the practice of this or of any other nation. The conduct the most like this method of setting the colony assemblies at guessing what contribution may be most agreeable to us in some future time, was the tyranny of Nebuchadnezzar, who having forgot a dream, ordered the assemblies of his wise men, on pain of death, not only to interpret his dream, but to tell him what his

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dream was. To set the impracticability and absurdity of this scheme in the stronger light, I ask, in case an assembly makes an offer which should not be thought sufficient by parliament, is not the business to go back again to America? and so on backwards and forwards as often as the offer is displeasing to parliament? and, thus, instead of obtaining peace by this proposition, all our distractions will be encreased tenfold, and continue for ever. It is said, indeed, by the minister, that this scheme will disunite the colonies. Tricks in government have sometimes been successful; but never, when they are known, avowed, and hackneyed. The Boston Port Bill was a declared cheat, and accordingly far from succeeding; it was the very first thing that united all the colonies against us, from Nova Scotia to Georgia. The idea of deducting the value of goods supposed to be taken by the colonists, because we sold cheap, at a time when we did not suffer the colonies to make a trial, and by such arithmetic to deduce the propriety of their paying in nearly an equal proportion with the people of England, was of a piece with the rest of the policy and the argument of this profound project. I strongly protest against any scheme, which shall begin by any mode of extorting revenue. Every benefit, natural or political, must be had in the order of things, and in its proper season. Revenue from a free people must be the consequence of peace, not the condition on which it is to be obtained. If we attempt to invert this order, we shall have neither peace nor revenue. If we are resolved to eat our grapes crude and sour, instead of obtaining nourishment from them, we shall not only set an edge on our own teeth, but on those of our posterity for ever. I am therefore for the reconsideration of the Resolution until it can be brought to some agreement with common sense.

Mr. *Dunning* assured the House that he had been much alarmed for the noble lord (North) in the course of the day, for though the noble lord had been actually five times on his legs, yet all his eloquence seemed thrown away, and his authority on the point of losing its weight. Young members and old, nay even the known phalanx of ministerial supporters, seemed to totter, and it appeared to him, as if it was going to be, "to your tents, O Israel;" but in the moment of the noble lord's distress, when all his own eloquence, all his acknowledged authority seemed lost, a gentleman of great abilities arose, (sir G. Elliot) but he was too wise to waste his eloquence, he did not attempt to argue, but with great good sense, he warned the party not to divide among themselves. I saw, said Mr. Dunning, the instantaneous good effect of this wholesome admonition; no wit, no argument could have had half the effect; it operated like a charm; and though I do not see well, I could discern from various faces, that the minister was safe, and was rescued from the disgrace I had begun to apprehend for him, of being in a minority. He then shewed that the new proposition was, indeed, scandalously contradictory to all the professions of the minister, and therefore justified the opposition of the minister's old friend; but for his part, he opposed it, not as being conciliatory, which he wished it was, but as being futile and treacherous.

The Committee divided: for the Resolution, 274; against it 88.

Feb. 27. The said Resolution being reported to the House, lord North moved, that the House do agree with the Committee therein.

Mr. *Scott*, after condemning the whole system of colony administration for some years back, said, that in such a state of confusion, uncertainty, and political versatility, he was for agreeing to the resolution, as a basis to erect something on hereafter, which might be the means of producing a permanent and comprehensive plan of reconciliation.

Mr. *Acland*. I hope the House will pardon me, if I beg their attention a few moments, and but for a few moments; for I should make a very ill return to the favourable indulgence shewn me on a former day, if I presumed to trouble it long on this. Uninformed, unacquainted, unexpecting a proposition of so extraordinary a nature, as that laid before us by the noble lord on that day, I felt myself forced from a seat of silence, which perhaps would then have, and might still better become me; but which I should have thought, under such circumstances, it would have been shameful to have continued. After having maturely considered the resolution, whether on the principles of accommodation with American demands, or of enforcing the authority of this country, I think it nugatory and humiliating. Does the noble lord really think, that a people who deny all right of taxation will be satisfied with having the mode of taxation

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left to them? Does he not think the Americans will feel themselves as effectually put under contribution as any town or country ever yet was, in any state of open war? Will he presume to call that an amicable plan, which asks for contribution at the mouth of your cannon and point of your bayonets! Sir, by holding out these terms of accommodation, ridiculous in themselves, and nugatory in their effect, by making the first offer to treat with those men you have just declared rebels, you will lower the dignity of this country; you will bring your government into contempt, and, by the insult of the offer, irritate, not appease that spirit which you are now about publicly to declare to the whole world you tremble to encounter. This, Sir, I am confident, is the light the Americans will see it in; and these are the principles on which they are expected to accommodate.

Before I give my assent to any measure, I ought to inform myself what is meant to be founded on that measure, and what consequences are meant to be drawn from it; for, by these means alone I can judge of the propriety or impropriety of the measure. I do not doubt, therefore, that the noble lord will answer me with as much candour, as I shall ask with diffidence. Now the words I would wish to draw the attention of the House to are these "According to the condition, circumstances, and situation of such province for contributing their proportion—shall be approved." Sir, the questions I would ask are, Is this proportion to be annually offered by the colonies, and annually refused or accepted by parliament? Or is it in the first instance to be settled for a certain period of years, or is it to be settled for ever? These questions demand a serious answer: in the first case, you perpetuate the seeds of discord, and lay the foundation of a dispute that can never end, but in a total convulsion of the British empire. In the second, adopting a temporary expedient, you withdraw your own shoulders from a burthen you have no resolution to bear, leaving the great point in dispute as unsettled as you found it, leaving it to arise at that fixed period, whenever that period shall arrive, to be the cause of new quarrels, and fresh bloodshed. If you settle it for ever, do consider what a miserable bargain you are contending for. The Americans are supposed to double in twenty years; it is but reasonable to suppose, that their wealth and opulence will increase in proportion; that, therefore, what would be a reasonable proportion now, will, in a few years, become, comparatively with their increased wealth, a miserable pittance.

I must here take notice of an argument the noble lord has enforced more than once, with great weight: it is, that these terms are such as should be offered, after the most complete victory. For the sake of the argument, I will agree with the noble lord, and therefore conclude, that they are improper to offer before the victory. That, Sir, which is generosity, which is magnanimity after victory, is timidity and foul disgrace before it. There may be situations, in which states may be found, where they cannot, without certain ruin, acquiesce even in just claims; there are situations too, in which states may grant more than is asked, and give more than is desired, with honour, security, and advantage. The first of these situations precede great commotions; the second succeed complete victory. I remember, Sir, the Romans, in a war they had with the Italian states, granted them when conquered, those privileges which, with a firmness peculiar to their nation, with a firmness that led them to universal empire, they haughtily refused them before their contest.

I will not take upon me to say what confidence the people reposed in administration before, but I will take upon me to say, that whatever it might be, it is now entirely done away; they no longer expect to find firmness, resolution and unanimity in the councils of the King's servants; they have seen them weak, irresolute, disunanimous. For the reception these propositions met with within these walls, I will appeal to the unequivocal effects they had at their first opening, on the members of this House. I will recall to the noble lord's memory, the feelings he must have had, during those awful moments in which the common sense of the House stood amazed at the propositions that were held out to her, when uncertainty, surprize, distraction, were seated on every countenance, when the doctrine held out to us, was so new and unheard of, so contrary to every principle we had been thought to adopt, that no man could guess at the opinion of his neighbour, when those, who had relied on that firmness, which the noble lord had so often and so publicly pledged, turned pale with shame and disappointment, when within the space of a

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few awful moments, the dignity of government and the honour of this country, were given up for ever. That this was the immediate effect, I believe every gentleman who hears me and was present on that very extraordinary day must admit. I have expressed myself warmly, I felt and do still feel my disappointment warmly; I estimated the noble lord's public wisdom, prudence, and above all his political resolution, at as high a rate as I honoured, and do still honour, those private virtues which adorn his character, and which shine illustriously pure amidst a licentious and a dissipated age.

I will address a few words to the honourable lord, and have done; I will tell him that decision and resolution, even when employed to but indifferent purposes, render their possessor respectable; I will speak with tenderness, I will not tell the noble lord what effect, even with the best intentions, the contrary qualities will have. I will conclude with telling the noble lord, that if he adopts a decided line of conduct, he will have decided friends, and he may still stand on firm ground; but that if he continues to waver between both, he will fall to the ground unsupported by either.

Mr. *Temple Luttrell.* Sir, upon a former occasion I presumed to state a few of my sentiments to the House, relative to the war impending over the Americans, because I was sure I could not answer it to my own feelings, I thought I could not answer it to my country, had I neglected at the very earliest moment that might offer, to declare my utter abhorrence of those unconstitutional, arbitrary, and diabolical projects, devised by his Majesty's ministers for the destruction of that unhappy people. I flatter myself a certain illustrious character may soon be left out of this opprobrious list of projectors; there seems to be a divine gleam of radiance coming round his temples: and I foresee almost, if not altogether, as marvellous a conversion into the right path, as that which happened in days of yore to the great persecutor of the Christian followers on the plains of Damascus.

To what black storm in the political firmament we are indebted for this sudden change, I, Sir, move in too contracted a sphere to discover; but the noble lord will allow me to tender him my hearty congratulations, that he is at length awakening to that clemency, and to that justice, which will best agree with the innate temper of his heart. There is a long line of statesmen seated in firm array not far from your chair, who have, ever since the birth of this parliament, uniformly shrunk (and I am sure their consciences always must shrink, whatsoever their politics or their eloquence may do) from the great American question; they have wished to defer to the latest hour possible, all discussion of this critical topic, in hopes, as they term it, to learn what is actually doing on the other side of the Atlantic. Sir, I can inform them; there rises not a sun in that hemisphere, but sets to such additional grievances and outcries, as the most soothing future concessions, the most exemplary future sacrifices on your part, will scarce be able to atone for.

However grating to the ears of some individuals the subject may be, I shall take the liberty, with the indulgence of the House, to affirm, that these measures of compelling the Americans by force of arms to acknowledge the paramount and unlimited authority of parliament, in the taxation of their property, a property created by their faculties, and by their industry, are not just, not politic, not practicable, but a traitorous infringement on the constitution of the colonies, which rests upon the same fundamental principles that uphold the property and uphold the franchises of every native of this island.

Sir, I ever will contend, that the united parliaments of England and Scotland cannot legally impose a tax on the subjects in any other part of the British dominions, without the consent of such subjects, either by themselves in person, or by their representatives. Let the champions of despotism avail themselves of all their knowledge and sophistry, I will venture to maintain this proposition, not arrogantly presuming on my talents or skill to manage it, but on its own clear intrinsic merits, and the conviction that to every dispassionate mind must naturally result from its investigation. The coercion proposed militates against the privileges of all emigrants of their description, from the time of the patriarchal disjunctions to this day; emigrants who carried with them (as their *penates*) certain inherent rights natural to mankind, immutable and unalienable; confirmed to them for an heritage, by that blessed constitution of Saxon contexture under which they were born. Laws established on first necessity and impotence between them and the present state, either by express or tacit assent, were not of an universal, indefinite obliga-

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tion, they were of a fiduciary nature, adapted to the comparative state of the contracting parties, for the purpose of temporary expedience, and must of course vary conformably to such other relative alterations as lapse of time and the vicissitude of human affairs may effect. Acts of parliaments, or other diplomatic titles, may be produced to shew a formal, and perhaps uncontested assumption of power at some given period of time, but will not countervail the primeval and indefeasible rights of mankind, whenever such rights shall be asserted by a clear major part of the community. On this ground, and this ground only, rests our spiritual reform under Harry the 8th, and that most glorious of all civil revolutions—the Revolution by which James 2 lost the throne of these realms. Those gentlemen who plead for the omnipotence of parliaments, and the infallibility of their codes, should advert to the many absurd, contradictory positions and doctrines laid down during the contention of the several pretenders of the Plantagenet line, and afterwards of the heiresses of the House of Tudor.

In fact, Sir, your statutes of those days borrowed too frequently their maxims and complexion from whatsoever brow might happen to be encircled with the regal diadem. In the reign of Richard 2, a law passed to transfer the power of both Houses of Parliament to twelve barons. By an act under one of the Henries, the King's proclamation, with the consent of his privy-council, was thenceforward to carry with it the force and efficacy of a law of the land. And we all know that the parliament of 1641 voted itself perpetual, never to be dissolved nor prorogued but by its own consent; and the Act read by an honourable member to the committee on the present Resolution, and which he treated with so much deference, because it declared the people of the Massachuset's Bay in a state of revolt, was passed by this immaculate parliament.

Now, Sir, let us suppose (what in these our uncorrupt days there can be no reason to apprehend) that a statute should be procured by some future minister and minion of the sovereign, vesting the whole legislative as well as executive power in the crown, totally to abolish both Houses of Parliament; would such statute be valid and binding on the subject throughout Great Britain and America? All persons have natural rights—a free people have legal rights, independent of parliamentary edicts, and of which no form of government whatever can deprive them. Laws not founded on constitutional justice, are in themselves null and void; nor are the makers of them legislators, but usurpers. A very wise and learned writer, judge Blackstone, has in his Commentaries the following passage: "If the sovereign power advance with gigantic strides and threaten desolation to a state, mankind will not be reasoned out of the feelings of humanity, nor will sacrifice their liberty by a scrupulous adherence to those political maxims, which were originally established to preserve that liberty."

If the powers and pretensions of a few adventurers and fugitives, occupying about two centuries ago a small corner of a graceless desart, and possessed of none of the good things of this life, are to ascertain the powers and pretensions of three millions of people, spread over a land flowing with milk and honey, and a thousand leagues in circumference, they may, with the same justice and propriety, be brought two centuries hence to ascertain the rights and pretensions of 30 millions, when the inhabitants of this diminutive isle shall scarce reach a fourth part of that number: neither can I own such disparity in the calculation of increase to be at all exaggerated, if we consider the various drains from this country, and the daily influx of persons of both sexes at the very meridian of life into these inviting regions; besides, new settlers usually restrict themselves to hunting and agriculture, to toils which afford vigour to the body, and enterprise to the mind. They live on plain, wholesome diet; their progeny is healthful, and of boundless increase; whereas in nations that have reached their full zenith of luxury, the mass of the people are occupied at sedentary arts and manufactures, drawing in, from morn to eve, an impure, confined atmosphere, or brooding over unwholesome furnaces: hence the vital stamina are hurt, the appetites soon appaled, the spirits easily depressed; they become enfeebled ere the sand of their mortal glass be half run out; their offspring is sapless and emasculate.

America has been loudly charged with ingratitude towards the parent country, from whom she received protection during the late conflict of war. 'Tis not quite clear how far the balance of that account is in her disfavour: however, she cannot be so ignorant of the real springs of war

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or peace, as to persuade herself that your numerous embattled legions, under triumphant fleets sent to her coasts, were supplied purely from motives of parental affection, or sympathetic benevolence. Had, Sir, that vast territory been planted with Portuguese scions, instead of those from your own stock, ponderating as the political scales of Europe then were, would you not have afforded to a people, in their natural and moral character as far from unison with yourselves as discord is from harmony, an equal supply of men and treasure? Remember, Sir, your prowess at the eve of that same war, near the banks of the Tagus.

The love or enmity of one people to another, cannot be estimated by their occasional alliances, compacts, or guarantees, as a body politic. It is but a century ago that our English brigades served with unparalleled ardour in the army of that arch-enemy to civil and religious liberty, Lewis 14 of France; the execrated revocator of the edict of Nantz; the aspirer to universal despotism. We served, Sir, against a people, whose tolerance and charity of religion, whose whole system and freedom of government we at that very time held in emulative veneration; a people whose assistance we supplicated and obtained, scarce 20 years after, to deliver us from monarchical tyranny.

Such coercion was highly impolitic, because it is from the prosperity, peace, and contentment of her colonies, that resources of wealth and laurels of honour are won to a mother country. History teaches us, that populousness and affluence are the product of that clime alone, where the people may reap in security a full harvest of their labour; where they have affluence in their leaders and governors; where no exactions are inflicted by an alien hand; where the municipal, if not the imperial jurisdiction, together with the power of levying taxes, are vested in substitutes of their own free choice or approbation.

That saying of a despot, "Oderint dum metuant," may be applicable to the swarthy sons of the opposite division of the globe; but, Sir, it will never accord with the sentiments of our brethren in America. Threats and violence used against hearts of the same sturdy temper with your own, must induce the most calamitous events to both parties. There will be seeds of equal courage and perseverance found in the one battle as in the other, with this difference at the onset, that the arm of the aggrieved is usually braced to bolder, more decisive efforts of rage and despair, than that of the aggressor: "Aquilæ non generant columbus." Let us, Sir, rather rejoice that our breed has not degenerated; that these colonists have a sense of rational freedom, becoming the sons of such high-mettled progenitors. Ill would it answer your purpose to bring their bodies under a short-lived subjection, and to leave impressed upon their minds an unabated rancour and aptness for revolt. Revenge is an unchristian passion; yet how rarely do we find the human soul possessed of a sublimer heroism, without this alloy.

Neither, Sir, am I altogether unacquainted with the people of whom I am now speaking. Curiosity once led me to travel many hundreds of miles along their flourishing and hospitable provinces. I found in most of them the Spartan temperance, in many the urbanity of Athens; and, notwithstanding the base and groundless imputations on their spirit, which the cankered tongue of prejudice and slander has with so licentious a virulence here poured forth against them, they will, I am confident, if set to the proof, evince the Roman magnanimity, ere Rome fell under sceptered usurpation. But, Sir, if a foreign enemy should appear at your gates and you need their assistance, will there then be found among them many a Cori-lanus? He stands single as the prodigy of forgiveness, in the annals of a people whose attachment to their native land was carried to the utmost height of enthusiasm. How soon that foreign enemy may appear at your gates, I know not. According to the horological predictions of a most enlightened state soothsayer, we have about seven years more of profound tranquillity with the House of Bourbon to trust to; but, from the symptoms of our domestic distraction, and the improved state of the government and finances of our neighbours, I should judge it prudent to be somewhat better provided than we are at present for an early rupture; not entirely to dismantle our ports and our coasts of soldiers and seamen, sent to immolate the martyrs to liberty of their own flesh and blood, on the distant continent of America.

It has been made evident to you, that a defection of the northern colonies will soon bring on the complete ruin of your West India settlements, which cannot

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elsewhere affordably provide themselves with cattle, lumber, and divers other articles requisite for the support of a plantation.

Let us turn our eyes to the inland trading towns here at home; those large iron founderies which used to supply the anchors of commerce and implements for husbandry and the ingenious arts, are now set at work in moulding the sword and the bayonet to enslave America. From the former commissions there accrued constant returns of profit, and numberless comforts; from the latter, what can be expected but poverty, dejection, and mourning! Peace with America will make your thousands of manufacturers and artisans a thriving, obedient people; war with America will make them idle, profligate, and tumultuary. In short, the first open hostilities committed by your troops on that continent, will realize to the race of man, from one extremity of the earth to the other, more fatal evils than were even contained in the fabled box of Pandora.

It is well known, through melancholy observation, drawn from the fate of the Assyrian, Persian, and Roman empires, that national societies, as well as the individual mortals of whom those societies are composed, have their non-age, their adult vigour, and their decline. Whatsoever share of indulgence and independency Great Britain shall, in this her florid and athletic stage, generously bestow on her rising colonies, they will, no doubt, amply repay to her in some future generation, when she is verging towards that aweful goal which must close her race of glory.

The military coercion of America will be impracticable. What has been the fate of your famous Bills passed in the last session of the deceased parliament? I mean, Sir, the Boston Port Bill, and the Bill for altering the charter of Massachuset's Bay. America, as an earnest of her triumph over the future labours for which envy and malice may reserve her, has, like another Hercules in the cradle, already grappled with those two serpents sent for her destruction. Neither shall we be long able to sustain the unhallowed war at so remote a distance;—unexplored desarts, wood-land ambuscades, latitudes to which few of our soldiery have been seasoned;—the southern provinces scarce to be endured in the summer months, the northern provinces not approachable in the winter season;—shipwrecks, pestilence, famine. The unrelenting invetteracy and carnage of York and Lancaster, will here be joined to all the elementary hardships and maladies of a bigot crusade. Shall not such dreadful æras in our earlier chronicle, serve us for beacons at this perilous crisis? Those rash expeditions, indeed, undertaken by a few martial zealots on misconceived piety, began to decline at the death of the hot-brained, savage-hearted king, under whom they were first enterprized; and the sluices of kindred blood, which had long inundated the land in the red and white roses, were at length happily put a stop to, by a single matrimonial contract. Now, Sir, who can look forward to a probable epoch in the red volume of time, when the sword drawn in this quarrel shall be sheathed in peace! I can see no end, till slaughter, proscription, extirpation, shall totally have annihilated either one or the other people.

Far be it from me to anticipate by conjecture to either country so dreadful a sentence; but, Sir, without a gift of preternatural foresight, I may remark, that there are features in the aspect of infant America, which denote at maturer years a most colossal force. The Helvetic and Flemish confederacies have demonstrated what extraordinary obstacles a small band of insurgents may surmount in the cause of liberty. The Helvetic confederacy consisted of a few straggling peasants, bannered against a mighty prince; yet firmness and desperation supplied that energy, which the best disciplined numbers could not resist. The tragic scenes of Numantia, and of Saguntum, shew to how dire a catastrophe a spirited people will devote themselves, sooner than submit to an unjust dominion. It appears from one of the American letters of a late date brought to your table, that the inhabitants of Boston were inclined to copy in part these dire examples; that they meditated to abandon the town with their wives and families, and the reducing it to ashes. Did not we ourselves give a very striking proof at the commencement of the twelfth century, to what an incendiary height the flame of vengeance might reach, when we invited over, and received into the very center of this island, a whole army of Frenchmen to aid us against a tyrant monarch and his iniquitous counsellors? We owe perhaps that sacred palladium of our liberty, Magna Charta, as much to a dauphin of France, as to a king of England.

The Americans allege, that what they

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now contend for is that reasonable portion of liberty with which they were chartered as their birthright, not by any earthly potentate, but by the King of kings, "to make their lives happy, in the possession of which liberty they do now hourly invoke that King of kings, or to make their death glorious in its just defence."

What is the aim and scope of the resolution before you? To lure some of the less refractory provinces of America, to dissociate from, and betray their fellow-sufferers; to join in raising a contribution throughout one half of the colonies, to support your armaments and outrages against the other half, with a view to annihilate trade, cut off every natural channel of livelihood and subsistence, and butcher the disobedient; and how are these seceders to be recompensed for such signal perfidy? Why, by a temporary exercise of certain empty forms and modes of taxation, confirming at the same time a right in the crown and parliament of Great-Britain, to fix the gross amount of all continental subsidies whatsoever; that is, in fact, they are to be still subject to a ministerial majority in this House, which may levy imposts on them, not by any fair scale of proportion to the burthen laid on the mother country, but the demand may perhaps be carried beyond their abilities, or they may be liable to the discharge of an immense national debt. By way of earnest, however, against the numerous abuses in future to which this curious plan lies open, they shall instantly repose entire faith and confidence in the present set of the King's ministers at Westminster, so remarkable for consistency, lenity, and wisdom.

The noble lord puts me in mind of king Arthur, in our modern dramatic mask, where that first of the British worthies stands balancing between Grimbald and Philadel. He has just caught a glympse of the cloven foot of the infernal fiend by whose dazzling snares and incantations he has been thus long fascinated, and is turning to the fair, heavenly spirit, who would guide him into the ways of happiness and honour. Let him not stop short, but pursue the only track that can save his country—perhaps save himself from perdition.

I should be as strenuous an advocate for the just authority of parliament as any man; but I think we ought candidly and effectually to relinquish all vain pretences to supreme sovereignty, in cases where they are not maintainable on principles of justice, of sound policy, or the constitution of the land. If you persist in pride and error, what will be the consequence? Intestine enmities will be encreased—devastation and havock must ensue. When questions of such weight and magnitude as these now in agitation, concerning America, shall come before you, every member ought to reflect, that the fate of a whole nation may possibly depend on his single vote. Whosoever gives the power of oppression, is in fact a tyrant—whosoever gives the power of murder, is in fact an assassin. I am against this resolution, because I think, that so far from extinguishing the flame, it will only throw oil upon it to aggravate its fury; and, however conciliatory it may seem at first sight, when it comes to be analyzed on the other side of the water, it cannot possibly have any other construction put upon it, than that of adding insult to injury.

Sir *P. J. Clerke* said he should not be surprised, such was the fluctuating state of our counsels, to see another resolution proposed in a few days, totally contradicting the present, and those persons who are most zealous in support of this resolution, equally warm in support of the next.

Mr. *Hartley*. I am called upon on this occasion particularly as I made a conciliatory proposition on this subject of the American disputes to the House before Christmas, which I shall, at a proper time, offer to the House as a regular motion. The proposition alluded to, was to make a free requisition to the colonies for a supply towards the expence of defending, protecting, and securing the colonies. The present motion is not free but compulsory; it is attended with menaces and threats, therefore not a lenient or conciliatory measure, but only thrown out as such for a pretext. To say, Give me as much money as I wish, till I say enough, or I will take it from you, and then to call such a proposition conciliatory for peace, is insult added to oppression. The proposition which I made before Christmas, was, what it appeared, a free requisition. A requisition by a secretary of state is an ancient, legal, approved, constitutional way. It states the case, represents the services necessary to be done, and requires the free aid of the subject for those necessary services, leaving, as a constitutional controul, to the subject whose money is required, the judgment upon the necessity of the

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services stated, and the right of appropriating the money so granted. How totally different from this proposition is that before us now, which says neither more nor less than this; Give me what I ask, leaving likewise the quantity to my discretion, or I will take it by force. Besides, this proposition is a direct breach of faith towards America, who have been assured by a circular letter from the secretary of state, that his Majesty's ministers never meant, nor ever would entertain the thought of raising a revenue in America by taxing. This proposition before us is a direct breach of the public faith so pledged to America, by a circular letter from a secretary of state, in which his Majesty's royal word was particularly plighted. The noble lord's proposition, who was upon the same bench when the above mentioned circular letter was written, is that we will forbear to tax just so long as they will give us a revenue to our content. What is this if it be not extorting a revenue by threats of taxing? The only concession contained in this proposition is, that it gives up at once the mode of our proceedings with America for these last ten years, as it confesses that it would be proper to proceed in the way of requisitions. This proposition pretends to condemn the exercise of taxation before you have made a requisition at least, and have met with a refusal, though by uniting them in the same proposition, it destroys the very nature of the requisition by making it compulsory.—Let us enquire now whether ever North America did refuse to contribute to the common defence upon requisition: so far from it that they ever have contributed in case of necessity, even beyond their abilities, as the records of thanks to them, and retribution for the excess of the zeal and fidelity, which stand annually upon your Journals during the late war, do fully and incontestibly prove. Throughout the whole course of this contest since the war, they have over and over offered to contribute to the necessary supply when called upon in a constitutional way. I have extracted proofs of these from addresses, petitions, &c. for the whole period of the last ten years. Their petitions you have thrown out of your doors, their repeated addresses, remonstrances, letters and memorials you have treated with contempt. I have now in my hand a score of proofs that they have offered to pay upon requisition according to the utmost of their abilities, if those requisitions were made in a legal and constitutional way. I have collected offers of this kind, and I have got them from, I think, almost every colony. I can shew them repeatedly from Massachuset's Bay, from New York, New Jersey, Maryland, Virginia, Pennsylvania, Carolina, and these repeated from time to time during the whole of this contest. I have them in my hand, and will beg to read them to the House. [Reads them.] And to conclude the whole, North America assembled at the continental congress pledge themselves, "that whenever the exigencies of the state shall require a supply, they will as they have always heretofore done, contribute their full proportion of men and money." The terms in which all these offers are expressed, are clear, uniform and explicit. All that they require, is that they may stand upon the footing of freemen and free British subjects, and giving and granting their own money; for these reasons I object to the motion before us, and shall, with the permission of the House, endeavour to put the proposition upon its proper grounds by another motion on some future day.

Mr. *Thomas Powys* wanted to know the sum each colony was to raise, the manner it was to be appropriated, and whether it was to be granted annually, or for a definite number of years.

Lord *North* was for preserving the right of parliament to tax the colonies; but for transferring the exercise of that right to the colony assemblies. He was for leaving the colonies at liberty to contribute voluntarily to the alleviating the public burdens; and for reserving to parliament, a right of rejecting or increasing those voluntary aids at pleasure. Among other things, he said, if the colonies reject just conditions, they must be reduced to unconditional obedience; that such of the colonies as did not comply with the Resolution, would have the Acts rigidly enforced against them; that he did not nor could, at present, pretend to specify the exact sum they ought to raise, as it would probably fluctuate by bearing a certain proportion to the sums raised in Great Britain; and that whatever propositions they might make, would be received in a legal way from an assembly lawfully and properly constituted, in order to be laid before parliament for their final approbation. In answer to the hon. gentleman, who asked whether the grant was to be an annual one, or for a term of years, he re-

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plied, he could not tell; but for his part he should wish it to be the latter, otherwise it would return to interrupt the public business every session, and consequently, be a perpetual subject of discussion and disagreement.

Mr. *T. Townshend* said, that the House was at a loss even so much as to conjecture what were the intentions of administration, or what the present resolution pointed at; that nothing hitherto offered by the noble lord had in the least degree operated towards the alteration of his sentiments. He thought the resolution impracticable, whether it meant to enforce obedience, or effect reconciliation.

Sir *Richard Sutton* said the objects to which the resolution was directed were very apparent.

Mr. *Charles Turner* cited some of the most objectionable parts of the American Bills of last session, and said, that they were the most tyrannical and oppressive that were ever passed.

Mr. *Hans Stanley* said, that some time before the late Address of both Houses to his Majesty, this proposal was talked of and approved, by several persons of very high rank in business. Instructions as to the sums to be raised, must undoubtedly be confined to people in confidence. He then proceeded to distinguish between the acts of a congress, and an assembly legally and constitutionally convened, and grounded the whole weight of his argument on that distinction, shewing that it might be extremely proper to agree to propositions made by one, while it would be madness so much as to treat with the other.

Mr. Alderman *Sawbridge* was very pointed on some of the expressions which fell from the last hon. member, relative to those who appeared the partizans of America. He owned himself of that number, and gloried in the imputation.

General *Burgoyne*. Sir, from the time I have been under orders to serve in America, I have thought it an unbecoming part to give my voice as a judge in any American question, this upon your paper only excepted. But having taken some share in the debates of last year which have been misrepresented, and having appeared in some divisions this year, before I had any knowledge or suspicion of my destination, I anxiously wish to take this occasion to explain the motives upon which I have invariably acted; and notwithstanding the exhausted state of the debate, I rise with confidence in the House, that they will give that indulgence to my situation, which I should have little claim to upon any other pretensions.

Sir, I think an explanation the more necessary, because both without doors and within, allusions and references are making continually to the sentiments of those who are to act in the military department—a very important, but very unenviable lot. In some of the licentious prints of the times there have not been wanting suggestions to the public, that a sanguinary minister had chosen the generals best fitted by their inclinations to carry havock and destruction through the continent of America. Within these walls we have been treated very differently indeed: we have found an attention, a respect, a favour of opinion and of expression, that has imprinted upon my mind, and I am persuaded equally upon the minds of my colleagues, a sincere satisfaction and a deep sense of gratitude to gentlemen on all sides of the House. But still, Sir, I have observed through the course of the debate an opinion to prevail that a great latitude of orders is to be given, and that in acting under such latitude we shall be influenced by the speeches we hear in this place, some of which are supposed to convey the most inflammatory ideas, others, ideas of the most humiliating concession. I do not know, Sir, that any such latitude will be given, at least it will hardly extend to my inferior station. The utmost merit I shall be able to claim in this expedition, will probably be that of an attentive, an assiduous, circumscribed obedience. But I can speak with confidence of those under whom I am to leave this country, as well as of the high and respectable officer who now commands in America; such men will not want the oratory of this House to give a due tone to their spirit or their humanity.

A noble sentiment fell from an hon. gentleman in my eye, (colonel Barré) "that bravery and compassion were associate virtues;" may they remain blended on the minds of every military man in America; let a persuasion uniformly prevail, that upon a review of our conduct hereafter, by our dispassionate and impartial countrymen, our bravery will be judged by the test of our compassion. Should we inevitably be made the instruments of punishment, let every action of the unhappy conflict be directed and marked by that temper which ever ought to discriminate the correction of the state from the sudden

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and impetuous impulse of passion and revenge: but with these principles at the heart of every soldier, and these they will be; for there is a charm in the very wanderings and dreams of liberty that disarms an Englishman's anger; with these principles at the heart, care must be taken that the honour, the ascendancy, the impression of the British arms be not insulted or diminished in the hands of those to whom they are intrusted; and while we remember we are contending against fellow subjects and brothers, it must not be forgot we are contending in the crisis, and for the fate of the British empire.

An honourable young member (Mr. Ackland) who has entered into the army with a zeal that justly intitles him to the esteem of every officer, and whose parliamentary spirit and talents have this day proved him a most valuable acquisition to this House, asked, early in the debate, Whether it could be supposed, those Americans who denied the authority of British legislature, would accept the mode of taxation proposed by these resolutions? I believe they will not; and I differ with him so far upon this occasion, as to say, I do not like the resolution the worse upon that account. While it holds out conciliation to those who wish to return to obedience and fidelity, and must be accepted by all rational men and well intentioned subjects, the refusal of it will be as explicitly and decisively declaratory, as any manifesto could express, of the principles on which they act, who continue to resist, and it puts the dispute on clear ground.

Sir, in foreign wars the conscience of the quarrel belongs to the state alone. The soldier draws his sword with alacrity: the cause in which he engages rests between God and his prince, and he wants no other excitements to his duty, than such as the glory of his country, personal honour, and just ambition will suggest. In civil discord (without enquiring casuistically, whether in any, or in what possible case, a military servant of the crown can be justified in declining a service to which he is legally commanded) I believe, a consideration of the cause will find its way to the breast of every conscientious man: and in the execution of his duty, he will find sorrow and remorse on one side, or satisfaction and inward comfort on the other, according to the private judgment he entertains. I perceive gentlemen on every side of the House acknowledge the truth of this general observation. Sir, I shall be astonished if any gentleman denies the particular application of it. Is there a man in England (I am confident there is not an officer or soldier in the King's service) who does not think the parliamentary rights of Great Britain a cause to fight for, to bleed and die for? Sir, I will assert, that the professed advocates of America have never ventured to meet this argument fairly. They have always shifted it to collateral enquiries, accusation, recrimination, and examination of the measures by which we have been led into our present dilemma. Sir, past errors may be great and manifest; every administration for ten years past may have had their share. It is not my present purpose to justify any. Enquiries may be very proper, at a proper time: but as a member of parliament, I hold myself indispensibly called upon to take up the question, upon this important, now this unparalleled moment in the English history, when we tamely suffered government to be suspended, when we sit here the mere shadow of authority, the phantom of a parliament, assembling only to lament the substance we have lost, and to propose and subtilise questions of our own impotency.

Sir, another method of evading a debate upon the true merits of this question, has been, to confound the understanding. Ingenious men will run changes upon real and virtual representation, external and internal taxes, revenue and regulation, till one's head grows dizzy with distinctions, and the most gross absurdities and contradictions become, for a moment, specious. But it is not in rhetoric or sophistry to argue the great rational majority of the people of England out of the plain, simple, proposition, which is contained in the Declaratory Act of the 6th of the present King. The reason of the nation has been long convinced; the trial now only is whether we have spirit to support our conviction.

Sir, if the whole body of the kingdom does not rouse at this alarm, and shake off that torpitude under which our public spirit has long shamefully languished; if every class and distinction of men do not join in this great cause; if our merchants and manufacturers do not in one instance take example from the Americans, and render it glorious by adapting it to a better cause; if they do not feel insult and affront in the suspicion, that while one country dares the interruption of commerce to effectuate her chimerical claims, the other will not exert equal fortitude to vindicate her fundamental rights; if this be our

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wretched state, I agree that the sooner a formal surrender is made, the better; let Great Britain revert to her primitive insignificancy in the map of the world, and the congress of Philadelphia be the legislature to dispense the blessings of empire. Let us spare the blood of our subjects, let us spare the treasures of the state; but let us at the same time confess, we are no more a people.

Sir, after this avowal of my principles it might be thought, that I sought the situation in which I am going to be employed. I publicly declare I did not seek it. I will take leave to say on the part of my colleagues, it was sought by none of us, but it was accepted with that submission which is due from servants of the crown, and with that sense of gratitude to his Majesty which the importance of the trust required. I feel an additional call of gratitude on my own part, for the honour my name receives in being classed with those of the distinguished officers to whom I have alluded.

I will trespass no longer upon the time of the House; with the sentiments I have expressed I take leave of all American questions; with these sentiments I shall take leave of my country; I shall endeavour to maintain them in arguments if admitted to any intercourse in America. I shall enforce them to the best of my power if called upon to act in the line of my profession; conscientiously convinced that upon the due support of them both here and on the other side the Atlantic, the existence of this country and constitution, directly, emphatically, and conclusively depends.

Governor *Johnstone* replied to several things which dropped from the noble lord. He said, that on a former occasion parliament had charged the East India Company with 11 millions for ships, forces, &c. sent to their assistance, but owned afterwards it was not so much, and he doubted not but that several of the millions now so roundly charged to the account of America, would be discovered to be no better founded, though we even brought the expences of the present formidable armament to account. He supposed, if America consented to the grants now proposed, that they would in time be managed as the Irish are, and that douceurs out of the sums raised would be distributed with equal success among the colonists, and what could not be effected one way, would be carried another: blue ribbons, red ribbons, lords and knights would bring about great things. The minister well understood to put this House in good humour at all times; and he supposed in time, that he would cause this good humour to reach the other side of the Atlantic, though he had hitherto failed in his attempts. He concluded by observing, that there had been no precedent for our obliging the colonies to raise taxes, but the Romans, who plundered those who were under their dominion, and brought the plunder to Rome, which was in the end the cause of the destruction of that once glorious and powerful empire.

The Resolution was agreed to.

Debate in the Commons on Mr. Wilkes's Motion for expunging the Resolution respecting his Expulsion.] Feb. 22. The Lord Mayor, Mr. *Wilkes*, rose and said:

Sir; the motion which I shall have the honour of submitting to the House, affects, in my opinion, the very vitals of this constitution, the great primary sources of the power of the people, whom we represent, and by whose authority only, delegated to us for a time, we are a part of the legislative body of this kingdom. The proceedings of the last parliament in the business of the Middlesex elections, gave a just alarm to almost every elector in the nation. The fatal precedent then attempted to be established, was considered as a direct attack on the inalienable rights of the people. The most respectable bodies in this kingdom expressed their abhorrence of the measure. They proceeded so far as to petition the crown for the dissolution of that parliament, as having been guilty of a flagrant abuse of their trust. Above 60,000 of our fellow-subjects carried their complaints to the foot of the throne; a number surely deserving the highest regard from a minister, if his whole attention had not been engrossed by the small number of the 6,000 who return the majority of members to this House. The people, Sir, were in a ferment, which has not yet subsided. They made my cause their own, for they saw the powers of government exerted against the constitution, which was wounded through my sides, and the envenomed shafts of a wicked administration pointed at our laws and liberties no less than at a hated individual. The plan was carried on for some years with a spirit of malevolence and rancour, which would have disgraced the very worst, but

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with a perseverance which would have done honour to the best cause. I do not mean, Sir, to go through an irksome detail of the various persecutions and injuries which that person suffered, I hope with a becoming fortitude. I have forgiven them. All the great powers of the state were at one time combined to pour their accumulated vengeance on me. The two Houses of Parliament chose me as the most acceptable victim, which could be sacrificed at the shrine of their court idolatry; and even imperial Jove pointed his thunder-bolts, "red with uncommon wrath," at my devoted head.* I was scorched, but not consumed. The broad shield of the law protected me. A generous public, and my noble friends, the freeholders of Middlesex, the ever steady friends of liberty and their country, poured balm into my wounds. They are healed so that scarcely a scar remains. But, Sir, I feel, I deeply feel the wounds given to the constitution. They are still bleeding, and this House only can heal them, as well as restore the constitution to its former state of purity, health, and vigour. May I be permitted to point out the mode of cure, and the salutary methods, which I think you ought to apply? Before I proceed to the remedy, I shall beg the indulgence of the House to state the case with precision and accuracy. I hope they will forgive a dry, but candid and short narrative of the principal facts, because I mean to argue from them. I will give them as brief as possible, and with all the impartiality of a by-stander.

Mr. Wilkes was first elected for the county of Middlesex, on the 28th of March 1768. He was expelled the 3rd of February 1769, and the second time chosen, without opposition, the 16th day of the same month. On the day following the election was vacated, and he was declared by a majority of the House incapable of being elected into that parliament. Notwithstanding this resolution of the House, he was a third time, on the 16th of March, elected without opposition; for I suppose the ridiculous attempt of a Mr. Dingley, who had not a single freeholder to propose, or vote for him, can hardly be called an opposition. That election however was declared void the next day. On the 13th of April Mr. Wilkes was a fourth time elected, by a majority of 1,143 votes against Mr. Luttrell, who had only 296. The same day this House voted, "that Mr. Luttrell ought to have been returned." On the 29th of April, a Petition was presented to the House from the freeholders of Middlesex by a worthy baronet (sir George Savile), who is not only an honour to this House, but to human nature; notwithstanding which, the House on the 8th of May resolved, "That Henry Lawes Luttrell, esq. is duly elected a knight of the shire to serve in this present parliament for the county of Middlesex."

These, Sir, are the great outlines, the leading facts. I will not trouble the Clerk to read all the Resolutions, to which I have alluded. They are fresh, I am persuaded, in the memories of gentlemen. I only call for that of Feb. 17, 1769, respecting incapacity as the certain consequence of expulsion. [The Clerk read the Resolution.]

Now, Sir, I think it fair to state to the House the whole of what I intend to move in consequence of the facts stated, and the Resolution just read. The first motion I intend is, "That the Resolution of this House of the 17th of February, 1769, 'That John Wilkes, esq., having 'been, in this session of parliament, ex-'pelled this House, was, and is incapable 'of being elected a member to serve in 'this present parliament,' be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom." This I hold of necessity to restore the constitution, which that Resolution tears up by the roots. I shall then, if I succeed, if justice and a reverence for the constitution prevail in this parliament, proceed to the other motion, "That all the declarations, orders, and resolutions of this House, respecting the election of John Wilkes, esq. for the county of Middlesex, as a void election, the due and legal election of Henry Lawes Luttrell, esq. into the last parliament, for the county of Middlesex, and the incapacity of John Wilkes, esq. to be elected a member to serve in the said parliament, be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

The words of the Resolution of the 17th of February 1769, which I mean more particularly to combat, are, "was and is incapable," and the explanation of them the same day in the order for a new writ, "in the room of John Wilkes, esq. who is ad-

* See Vol. 15, p. 1331.

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judged incapable of being elected a member to serve in this present parliament." In the first formation of this government, in the original settlement of our constitution, the people expressly reserved to themselves a very considerable part of the legislative power, which they consented to share jointly with a King and House of Lords. From the great population of our island this right could not be claimed and exercised personally, and therefore the many were compelled to delegate that power to a few, who thus were chosen their deputies and agents only, their representatives. It follows directly from the very idea of a choice, that such choice must be free and uncontrouled, admitting of no restrictions, but the law of the land, to which the King and the Lords are equally subject, and what must arise from the nature of the trust. A peer of parliament, for instance, cannot be elected a member of the House of Commons, because he already forms a part of another branch of the same legislative body. A lunatic has a natural incapacity. Other instances might be mentioned, but these two are sufficient. The freedom of election is, then, the common right of the people of England, their fair and just share of power; and I hold it to be the most glorious inheritance of every subject of this realm, the noblest, and, I trust, the most solid part of that beautiful fabric, the English constitution. Here I might lean, Sir, on the most respectable authorities which can be cited, the supreme judicature of this kingdom, and the venerable judges of former ages as well as of our own times. I met them accidentally this morning in the course of my reading, as an old friend of Wilkes and Liberty, now alas! lost to every sense of duty to his country, (the duke of Grafton) frequently tells another great assembly, that he accidentally meets in this manner all his tiresome quotations. The House of Peers, Sir, in the case of Ashby and White in 1704, determined, "a man has a right to his freehold by the common law; and the law having annexed his right of voting to his freehold, it is of the nature of his freehold, and must depend upon it." On the same occasion likewise they declared, "it is absurd to say, the electors' right of chusing is founded upon the law and custom of parliament. It is an original right, part of the constitution of the kingdom, as much as a parliament is, and from whence the persons elected to serve in parliament do derive their authority, and can have no other but that which is given to them by those that have the original right to chuse them." The greatest law authorities, both ancient and modern, agree in the opinion, that every subject of the realm, not disqualified by law, is eligible of common right. Lord Coke, lord chief justice Holt, and Mr. Blackstone, are the only authorities which I shall cite. I regard not, Sir, the slavish, courtly doctrines propagated by lawyers in either House of Parliament, as to the rights of the subject, no more than I do as to what they pronounce high treason and rebellion. Such doctrines are delivered here only to be reported elsewhere. These men have their reward. But the venal tongue of a prostitute advocate or judge is best answered by the wise and sober pen of the same man, when in a former cool moment, unheated by party rage or faction, after the fullest deliberation, he gave to the nation, to the present age, and to posterity, a fair and impartial detail of their undoubted rights, and when he laid down in clear and express terms the plain law of the land. Lord Coke says, "He which is eligible of common right, cannot be disabled by the said ordinance in parliament, unless it had been by act of parliament." Lord chief justice Holt declares, "the election of knights belongs to the freeholders of counties; and it is an original right, vested in and inseparable from the freehold, and can no more be severed from their freehold, than their freehold itself can be taken away." Mr. Justice Blackstone, in the first book of his Commentaries on the Laws of England, has the following words, "subject to these restrictions and disqualifications, every subject of the realm is eligible of common right." This common right of the subject, Sir, was violated by the majority of the last House of Commons; and I affirm, that they, and in particular, if I am rightly informed, the noble lord with the blue ribband, committed by that act high treason against Magna Charta. This House only, without the interference of the other parts of the legislature, took upon them to make the law. They adjudged me incapable of being elected a member to serve in that parliament, although I was qualified by the law of the land, and the noble lord declared in this House, "if any other candidate had only six votes, he would seat him for Middlesex." I repeat it, Sir, this violence was a direct infringement of Magna Char-

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ta, high treason against the sacred charter of our liberties. The words, to which I allude, ought always to be written in letters of gold: "No freeman shall be disseized of his freehold, or liberties, or free customs, unless by the lawful judgment of his peers, or, by the law of the land." By the conduct of that majority, and of the noble lord, they assumed to themselves the power of making the law, and at the same moment invaded the rights of the people, the King, and the Lords. The two last tamely acquiesced in the exercise of a power, which had been in a great instance fatal to their predecessors, had put an end to their very existence; but the people, Sir, and in particular the spirited freeholders of this county, whose ruling passion is the love of liberty, have not yet forgiven the attack on their rights. So dangerous a precedent of usurped power, which may in future times be cited and adopted in practice by a despotic minister of the crown, ought to be expunged from the Journals of this House.

I have heard and read much of precedents to justify the proceedings of the last House of Commons. I own, Sir, I value very little the doctrine of precedents. There is scarcely any new villainy under the sun. A precedent can never justify any action in itself wicked, a robbery for instance on the heaths of Hounslow or Bagshot, of which there are innumerable precedents. The basest actions may be justified by precedents drawn from bad times and bad men. The sole question is, whether this power is not a direct usurpation on the rights of the people? If that is proved, I care not how long the usurpation has continued, how often been practised. It is high time to put an end to it. It was the case of General Warrants. One precedent however, the most insisted upon, I must take notice of, because it is said fully to come up to the point, but, in my opinion, in almost every part it proves the contrary of what it has been brought to support. I mean the remarkable case of Mr. Walpole in 1711, a period, in which the rankest Tory principles were countenanced more than in any other of our history prior to 1760. The case, Sir, has been so partially quoted, even by a person (Mr. Jeremiah Dyson) whose sole merit here was an assumed accuracy, which he never possessed, that I shall desire it may be read to the House from the Journals: [The Clerk read,] "Resolved, that Robert Walpole, esq. having been, this session of parliament, committed a prisoner to the Tower of London, and expelled this House, for an high breach of trust in the execution of his office, and notorious corruption, when Secretary at War, was and is incapable of being elected a member to serve in the present parliament."

Now, Sir, I must observe, that even that House of Commons, at an æra so hostile to the liberties not only of England but of Europe, did not venture to adjudge Mr. Walpole incapable of being elected a member to serve in that parliament only because he was expelled; but in the body of the resolution itself they added another reason, which would be trifling, if the former was sufficient and adequate to the point, the high breach of trust in the execution of his office, and notorious corruption, when Secretary at War. As trustees for the nation, they assigned a public cause, which must interest every member of the community. In the case of Mr. Wilkes, the last House of Commons declared, "that John Wilkes, esq. having been, in this session of parliament, expelled this House, was and is incapable of being elected a member to serve in this present parliament." The having been expelled, whether justly or unjustly, is the only reason which they gave to the world. I shall not yet, Sir, dismiss the case of Mr. Walpole. It will prove another proposition maintained by me: it will shew the injustice of the late House of Commons in seating Mr. Luttrell, as representative for the county of Middlesex. The fact was, that the House in queen Anne's time, having expelled Mr. Walpole, ordered immediately the issuing of a new writ. At the subsequent election Mr. Walpole was again returned. A Mr. Taylor, who had a minority of votes, petitioned; but the election was vacated. Had the doctrine propagated by the late majority, and by the noble lord with the blue ribband, been just and founded, Mr. Taylor ought to have been the sitting member, the House should have resolved that he ought to have been returned, and that the grossest injustice had actually been committed against him. But even that parliament, whose memory the nation execrates, stopped short in their career of iniquity, and did not proceed to such enormous wickedness. It was reserved for the present æra, when shame has lost its blush. Mr. Luttrell was for some years permitted to sit here as representing the county of Middlesex, although a great majority of the

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freeholders abhorred and reprobated the idea of his representing them, on every public occasion declared it, and in their Petition to this House gave the record of it under their hands to all posterity.

Sir, when the strong, unanswerable reasons, on which any doctrine is founded, bear me out, I care little about precedents. I recollect however another instance in more auspicious times, when a glorious monarch defended the constitution, which he had restored. It directly meets the objection so much relied upon; "that expulsion necessarily implies incapacity." It is the last which I shall desire the Clerk to read. I wish him to turn to the Journals of Feb. 20, 1698. [The Clerk read,] "Resolved, that Richard Woollaston, esq., being a member of this House of Commons, and having since been concerned, and acted, as a receiver of the duties upon houses, as also upon births, marriages, and burials, contrary to the Act, made in the fifth and sixth years of his majesty's reign, for granting several duties upon salt, beer, ale, and other liquors, be expelled this House."

Now, Sir, I defy all the subtlety of the most expert court lawyer among us, all the sophistry of the bar, to reconcile Mr. Woollaston's case with the favourite court tenet, "that expulsion necessarily implies incapacity." The fact is ascertained, and indeed admitted, that a new writ did issue for the borough of Whitchurch in Hampshire, and that Mr. Woollaston was re-elected, and sat in the same parliament. Incapacity therefore in the same parliament does not necessarily follow expulsion.

I am ready to admit, that, where a clear legal incapacity exists, all votes given to a person incapacitated are thrown away, if they are knowingly given to him. But, Sir, I beg leave to assert, that this was not the case in the Middlesex business. Mr. Wilkes was qualified by the law of the land: and the freeholders, who perfectly understood the clear point of law, as well as their own rights, expressly declared in the petition presented on the 29th of April 1769 to the House, "Your petitioners beg leave to represent to this honourable House, that the said Henry Lawes Luttrell had not the majority of legal votes at the said election, nor did the majority of the freeholders, when they voted for John Wilkes, esquire, mean thereby to throw away their votes, or to wave their right of representation; nor would they, by any means, have chosen to be represented by the said Henry Lawes Luttrell, esq. Your petitioners therefore apprehend he cannot sit as the representative of the said county in parliament, without a manifest infringement of the rights and privileges of the freeholders thereof."

This House, Sir, is created by the people, as the other is by the king. What right can the majority have to say to any county, city, or borough, you shall not have a particular person to be your representative, only because he is obnoxious to us, when he is qualified by law? Every county, city, or borough, has an equal right with all other counties, cities, and boroughs, to its own choice, to its own distinct deputy in the great council of the nation. Each is free and independent, invested with precisely the same powers.

I do not mean, Sir, now to enter into the argument, whether it may not be fit to give this House the power of expulsion in the first instance, for very flagrant and infamous crimes, either committed, or of which the member may be convicted, subsequent to his election. The sending the member back to his constituents on such ground might be considered as an appeal to the people. If however his constituents should differ in opinion from the majority of this House, if they should think him fit to be re-elected, he ought to be admitted, because he claims his seat under the same authority by which every member holds the privilege of sitting and voting here, a delegation from the people, their free choice. The first appeal to the constituents might in many cases appear just and reasonable. The appeal certainly lies to them, for they are the fountain of this power. We exercise their right. By their representation only we are a House of Parliament. They have the right of chusing for themselves, not a majority here for them.

Sir, I will venture to assert, that the law of the land, by which all courts of judicature are equally bound, is overturned by the power lately exercised by a majority of a House of Commons. The right of election by law is vested in the freehold. It is not placed in you, but in other hands, in those of the freeholders, or the constituents. Your predecessors not only robbed a particular county of its noblest privileges, but they changed the constitution of a House of Commons.

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The freeholders of this county and the nation abhorred the proceeding, and poured their execrations on the treacherous authors. From us not only they, but the law and constitution, now expect a full reparation of the injury, by rescinding the Resolution.

This usurpation, if acquiesced under, would be attended with the most alarming consequences. If you can reject those disagreeable to a majority, and expel whom you please, the House of Commons will be self-created and self-existing. You may expel till you approve, and thus in effect you nominate. The original idea of this House being the representative of the Commons of the realm will be lost. The consequences of such a principle are dangerous in the extreme. A more forcible engine of despotism cannot be put into the hands of a minister. I wish gentlemen would attend to the plain consequences of such proceedings, and consider how they may be brought home to themselves. A member hated, or dreaded, by the minister, is accused of a crime; for instance, of being the author of what he thinks a libel. I select this case, as being the crime the least likely to be committed by any one gentleman of the present majority of this House. No proof whatever is given on oath before you, because you cannot administer an oath, except in the cases provided for by act of parliament. You determine the fact however, and thus the minister begins with invading the rights of juries. Before any trial, he gets the paper voted a libel, and the member he wishes expelled is voted to be the author, which is a fact this House is not competent to try and determine. Expulsion means always, as it is pretended, incapacity. The member is accordingly adjudged incapable. He cannot in consequence be re-elected, and thus is totally excluded from parliament. By such manœuvres a minister may garble a House of Commons till not a single enemy of his own, or friend of his country, is left here, and the representation of the people in a great degree annihilated. Corruption had not lent despotism wings to fly so high in the reign of Charles 1, or the minister of that day would have been contented with expelling Hampden, and the four other heroes, because they had immediately been adjudged incapable, and thereby incapacitated from thwarting in parliament the arbitrary measures of a wicked court. My expulsion was an easy victory over liberty and the constitution. It went with wonderful expedition through all the forms of this House, for it was known to be a measure previously adopted in the cabinet, whose members have through the present reign frequently dared to deliberate on the invasion of the dearest rights of their country.

Upon all these considerations, Sir, in order to quiet the minds of the people, to restore our violated constitution to its original purity, to vindicate the injured rights of this county in particular, and of all the electors of this kingdom, and that not the least trace of the violence and injustice of the last parliament in this important cause may disgrace our records, I humbly move, "That the Resolution of this House of the 17th of February 1769, 'that John Wilkes, esq., having been in 'this session of parliament, expelled this 'House, was, and is, incapable of sitting in 'the present parliament,' be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

Mr. Serjeant *Glynn* seconded the motion. He went into the whole of Mr. Wilkes's case. When he came to the proceedings in parliament, he condemned them in very strong terms; asserted positively, that the resolutions now under consideration were contrary to the law of the land; destructive of the constitutional rights of the people; and the most violent, unjust, and ill-founded, that ever disgraced this country, or any free assembly. He averred this, as a lawyer, and a member of that House; and concluded with calling upon the justice of the House, to comply with the motion, and rescind those infamous resolutions. [He spoke in great pain, being at that time afflicted with a severe fit of the gout.]

Colonel *Onslow*. The learned serjeant promised us to confine himself to the present question; but the warmth of his friendship has carried him on into the whole of Mr. Wilkes's case. I hope, therefore, the House will grant me the same indulgence, if my warmth and zeal for the honour and dignity of this House and the public cause, should induce me to follow the learned serjeant in any point beyond the question before us. Before I proceed, I beg leave to recall to the memory of the House, that a question relative to the Middlesex election was annually moved by one of the most respectable members of this House; a gentle-

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man, Sir, great in his fortune, great in his abilities, and still greater from his credit and character, both within and without these walls: yet a question so moved, always passed unheeded by, under a silent vote.

Sir, we are now sitting in a new parliament; we have many new and many young men members in it. It is, therefore, become necessary to debate the question before us; and, I hope, our young members will give the most serious attention to this day's business, which is a great lecture on the power of the House of Commons, and the rights and privileges of the people. I hope the House will pardon my insufficiency, and also my eagerness to exert myself on the present occasion; but when the honour and dignity of this House is concerned, and when I look at that chair, which has done my family so much honour, by having had so many of my name to preside in it, I feel myself called upon, I feel myself animated, and will presume to debate after the learned serjeant. I hope I shall be excused, though I was not professionally bred; I was bred a soldier, and though my abilities are as short as my person, yet if, by taking thought, I could add a cubit to them, I would willingly be a grenadier on the present occasion, where the necessary power, the honor and dignity of the House of Commons are so strongly attacked.

Sir, the question before us is, a motion to expunge from our journals a resolution of this House, which is as follows: "Resolved, That John Wilkes, esq. having been, in this session of parliament, expelled the House, was and is incapable of sitting in the present parliament." Sir, I will produce precedents to shew, that this House, from 1580, has constantly exerted that power; and will prove, from plain reason, that it is necessary for the House to have such a power. Sir, the old precedents run, in general, in words not to be misconstrued: that the offender be expelled this House, and be presently cut off, and severed from the present parliament, or in some words full as strong. I desire to read the precedents. [Here colonel Onslow read several precedents, beginning with the case of Arthur Hall, esq. which declared the member expelled, to be cut off and severed from the present parliament.]

Sir, these precedents fully and manifestly shew what our ancestors and predecessors held to be the law of parliament, that expulsion contained incapacity. This has been always the law of parliament, even in times when the power of the people was highest. I shall now argue on the cases of Mr. Woollaston and Mr. Walpole, and shew that these cases do not serve the learned serjeant's purpose on the present occasion. Mr. Woollaston held an office which, by an act of parliament, rendered him incapable of sitting in parliament: he lost his seat by it. Mr. Woollaston parted with his office; and common sense tells us, when Mr. Woollaston parted with that office which created his incapacity, the incapacity ceased; he was eligible of course, and had a right to serve in the then parliament, which he did; and though the word 'expelled' was used in Mr. Woollaston's case, yet all candid persons allow it was nothing more than an inaccuracy. Let the good sense of this precedent speak for itself. It does not follow, that had Mr. Woollaston been expelled for writing an obscene, impious, or traitorous libel, that the House would have suffered him to sit in that parliament. As to the case of Mr. Walpole, surely nothing can be plainer than this, that Mr. Walpole, by means of a very spirited set of electors, endeavoured in vain to obtain a seat in that parliament, from which he was expelled. In that instance the House resolved, "That Robert Walpole, esq. having been expelled, was and is incapable of being elected a member to serve in the present parliament." And now, Sir, I beg leave to give the House a curious anecdote, which came from undoubted authority, but I am not at liberty to mention from whom. When the House, after their declaration, rejected Mr. Walpole, on his return home, he said, that after what had happened, the House were a parcel of fools for not taking the second person on the poll. And what shews still farther, that this was Mr. Walpole's real opinion, is this, that he would not venture to make such another experiment, but got his friend sir Charles Turner to be chosen in his stead, to fill his seat and preserve his interest at Lynn. Add to all this, that when Mr. Walpole came into power, with popularity at his heels, he never even attempted to subvert or alter that power of the House of Commons, which he had before so strongly contended had unjustly deprived him of his seat in parliament, and his electors of their rights and privileges.

I think I have sufficiently shewn, that

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these modern precedents as little assist the learned serjeant in his arguments, as even the ancient ones. But as I forgot to do it sooner, I beg here to answer the learned serjeant, in calling the ancient precedents 'infamous' ones. Does the learned serjeant continue in the same mind? I find he does. With what grace, then, can the learned serjeant presume to hope the House will expunge the resolution in question, when he, in the same breath, tells us, that we leave behind, on your Journals, the most infamous precedents? Such precedents as, by his account, stare the privileges and rights of the people in the face, and may, at any future time, gape and devour them. Are we, then, as the present motion requires us to do, to rescind and expunge partially such resolutions only as come *ad hominem* to Mr. Wilkes, and to his cause? Let the learned serjeant, in his robe of law and justice, (as he has gone into the whole of Mr. Wilkes's case) now declare, on what principles of law and justice he leaves Mr. Asgill, who was expelled this House for blasphemy, to be hung up a public spectacle to all eternity, and why his friend is to be cut down, and his fame buried, and sweetened by his mother earth, after his being exposed only for a few years. Yet this will be the case, should Mr. Wilkes, in this instance, triumph over the power and dignity of parliament. All, then, that this House did, will appear wrong, and all that the worthy magistrate did in those times, will, in a great measure, be justified.

I now proceed to shew why expulsion should imply an incapacity to serve in the parliament from whence the member is expelled. Sir, this is a necessary power, otherwise it would be possible for a few, and even one member, to traduce you, Mr. Speaker, or the House, *ad libitum*, without our being able effectually to get rid of him, and so put a stop to all business. Sir, there are men who are hardy enough to attempt this—I hope not within these walls; but such men could easily be found, had not the House the power (which thank God it has) of expelling them, and cutting them off from the present parliament. If the House could not keep out such offenders, we might expel all in vain; they would as often be returned to us, and no business go on, *ad infinitum*, unless we went to the crown, and the other House, to join us in a Bill to expel our own members, which would be an event so monstrous, that I can never suppose any House of Commons will suffer it to happen. I will now proceed to shew, that the House in the resolution now moved to be expunged, proceeded only agreeably to both the law of parliament and the common law of the land, and will meet those gentlemen on their own ground, who argue with the learned serjeant, that such resolution is not consonant to the common law of the land. Sir, Prynne, who is a writer of great authority, makes use of this expression in his observations on the parliamentary writs, "that it is no restraint on the liberties of the people, to prevent them from chusing improper persons to represent them." What do those writs which are the law require? We are told, in the ancient writs, that the person to be chosen as a member to serve in parliament, must be *probus, discretus, legalis ad laborandum potens*, or, as the words of the writ now run, a sober and discreet burgess. Now, Sir, can a person be said to be *probus et discretus*, sober and discreet, who was in execution for writing obscene, impious, or traitorous libels, who was not purged from his crimes, by having paid his fine, and suffered the imprisonment allotted him by his sentence? Could Mr. Wilkes come under the farther description of *legalis ad laborandum potens?* Could he attend to serve his country in parliament while he was in prison, from whence the privilege of parliament could not release him? Certainly, as Mr. Prynne says, he was one of those 'improper persons' which the writs prohibit from being chosen to represent the people. Can a person expelled this House, for the crimes Mr. Wilkes was, or for any crime, be called *probus et discretus*, a sober and discreet person, and be eligible again in a few days? Common sense, as well as common law, opposes it. In short, Mr. Wilkes was not eligible at the time contended for by the tenor of the writ, which is the common law of the land; and the House of Commons, in declaring that John Wilkes, esq. having, in this session of parliament, been expelled this House, was and is incapable of being elected a member to serve in the present parliament, only followed the precedents of former parliaments, and went hand in hand with the writ, which is the common law of the land.

And surely, no gentleman will call in question or oppose a power of this House, which goes *pari passu* with the common

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law. It certainly, as Mr. Prynne says, is no restraint on the liberty of the people, to prevent their chusing improper persons to represent them; the British empire, the world, was all before the Middlesex electors; surely they might have found another person of equal abilities, patriotism, and virtue, with Mr. Wilkes, to represent them! If such a person was not to be found in this island, they might have brought Mr. Otis, Mr. Cushing, or any other patriot, from the other side of the Atlantic.

I beg leave to observe what has happened in the city of London, on similar occasions. On their late vacancies for aldermen, the citizens have not been able to fill them from the city. I am sorry to say, the citizens were necessitated to go to the west end of this town, and other parts of the kingdom, to find patriots sufficient to preside over them as magistrates, and represent them in the city senate. What have they done, Sir? They have adopted aliens instead of citizens; and instead of the fat, inactive, commercial alderman, they have chosen patriots, as Shakespeare says, not sleek-headed men, and such as sleep o'nights; no, Sir, they have discarded the fat, sleek, well-carcased, black dock, from the city coach, and have substituted in their stead the nag-tail'd, the patriotic alderman; they champ the bit, foam, prance, and curvet; but I doubt whether these blood-bays will draw quite so well as the old blacks: and if the Phaëton now on the box should overturn the state-coach into Fleet-ditch, I question whether these light cattle will be able to get it out again.

But I will return more closely to the question, and beg leave to observe, that if the precedents I have read had been extracted from our Journals, had they been printed and stuck up against the door of every parish church in this island, common sense would have prevailed, and the people would not have been deceived and imposed upon as they have been, as to the whole of the proceedings of the House of Commons, in regard to the Middlesex election; and let me say to the young members of this House, that I would have them strip these proceedings of their sophistry, their powder, and paint, by which they have been disguised by artful men and lawyers; let them wash and sweeten this hackney'd and battered question, and then take her to their judgments, *puris naturalibus:* let them judge from the plain sense of the precedents on the Journals, and the plain sense of the law of the land.

The learned serjeant has called this motion a conciliatory motion. Sir, it is quite otherwise; the worthy magistrate and learned serjeant must know the House cannot agree to it, and therefore we shall have this question over and over again; it will be kept as the continual firebrand of faction, to disturb and inflame the minds of the people. Therefore, Sir, though I am convinced that the late House of Commons only exerted the usual and necessary powers of the House in the case of Mr. Wilkes and the Middlesex election; and though I feel the House ought to have such power, yet I shall be for what I hope to see, a moderate and reasonable Bill to limit the time of expulsion; and I implore the House on all sides to join in such a Bill, which will quiet the minds of men, and extinguish this torch of faction: such a measure will be truly conciliatory, and God send it may soon happen.

Mr. *Fox* replied to the Lord Mayor, and thought the expulsion a right measure.

Lord *Stanley* said, the worthy magistrate was mistaken in ascribing to the noble lord (North) the declaration, if any other candidate had only six votes he should be member for Middlesex. It was his father, the late lord Strange, who had made that declaration.

General *Fitzroy* said, the magistrate was likewise mistaken, in attributing his expulsion to the noble lord (North). It was the measure of a noble duke, his brother, (the duke of Grafton) who was then minister.

The *Lord Mayor* replied in a spirited manner, and was particularly severe on the insolence (as he termed it) of a peer's interfering in the elections and privileges of the Commons.

Capt. *Luttrell.* Situated and connected as I am, I cannot give a silent vote upon this question: not that I mean to recapitulate the demerits of a case which has been so ably and frequently litigated; but as I ever wish to observe a consistency in my conduct, so I must express that detestation here I have uniformly done without doors, of every illegal proceeding respecting the Middlesex election. Sir, I shall not contend for the impropriety of Mr. Wilkes's expulsion, but as he was eligible in the eye of the electors to be again returned for Middlesex, I never can recon-

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cile it to my ideas of right, how a person, not possessed of the suffrages of a majority of legal freeholders, could, by a vote of this House, become a legal member; therefore I have constantly lamented, that no arguments of mine, or of the real friends to the colonel, could prevent him from undertaking, or prevail with him to relinquish an act which I have ever considered of the greatest injury to the public; but when the colonel undertook this ministerial job, it was upon the fullest confidence and assurance of being returned by a majority of legal votes. Sir, he never meditated the violation of the sacred right of election, but he was unfortunately doomed to be the vehicle through which the machinations of a certain faction were to be carried into execution; and if he has been suspected of Quixotism in the head, I trust he never will be guilty of Stewardism at heart. Sir, with respect to the right hon. member who moved this question and was the object of that persecution, I have no knowledge of him in his private capacity, but in his public one I have ever held him respectable; he has exercised the great offices of magistracy, in this metropolis, with an assiduity and firmness that is scarcely to be paralleled; he has ever displayed that consistency and uprightness in all his public actions, that in these times of supineness and ductility, claim peculiar admiration.

Sir, naturalists have observed, that at any period of our lives, there is hardly an atom of the human body remaining, that belonged to it seven years before; now, perhaps, that hypothesis may hold good as to the human mind, at least as far as it relates to political life, if we should judge by the changeable principles and wavering fame of certain individuals, seated within the narrow compass of these walls; and therefore whatever may have been the complexion of this House seven years ago, I will now entertain a hope, as I feel myself deeply interested in the wish, that we may cheerfully agree to-night, by such a majority, as no ministerial magic can turn into a minority, to rescind such resolutions respecting the Middlesex election, as may have stained the conduct of the late parliament. Let us leave them in full possession of those laurels they so justly acquired, when they made Mr. Grenville's Bill for the trial of controverted elections, perpetual; and as the most effectual service we can render our predecessors, is compatible with our duty to the public, let this unconstitutional, this oppressive act, be obliterated from memory, and from record.

Mr. *Van* thought the hon. gentleman who made the motion might rest contented that he had obtained his seat, and charged him with being guilty of blasphemy.

The *Lord Mayor* called him to order, and had the resolution read; this occasioned much laughter. The resolution was read; and no such word as blasphemy appearing, he was called upon by the Lord Mayor to retract what he had said; on which he replied, though he had mistaken the precise word, yet impious and profane were pretty nearly the same thing.

Lord *North* quoted a number of precedents in favour of the resolution, and relied particularly on the expulsion of sir R. Walpole, and the cases of Malden and Colchester.

Mr. *T. Townshend* said, though the friends of the motion might be now outnumbered, he did not despair of seeing the day when those infamous proceedings would be expunged, and the authors of them brought to condign punishment.

Mr. *Wallace* insisted, that from the uninterrupted usage of parliament for almost two centuries, the House fully possessed the right of expulsion.

Mr. *Attorney General* said, he was neither in parliament nor in office, at the time the resolution was passed, but he understood then, and believed still, that the question was decided on the clearest principles of the laws and constitution.

Mr. *Byng* was of the same opinion with his hon. friend, (Mr. Townshend) and did not doubt but the day would arrive sooner than many persons imagined.

Sir *George Savile* took a very extensive view of the question, and argued it on many grounds.

The other gentlemen who spoke were Mr. Gilbert, general Fitzroy, Mr. St. John, &c. against the motion. Mr. James Grenville, Mr. Richard Grenville, Mr. Serjeant Adair, Mr. Wedderburn, and Mr. Vyner, for it.

The House divided. The Yeas went forth.

Tellers.

YEAS	Lord Folkestone Mr. Thomas Townshend	171
NOES	Sir George Osborne Mr. Cooper	239

So it passed in the negative.

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List of the Minority.

TELLERS.
Salisbury.
Lord visc. Folkestone
Whitchurch.
Mr. T. Townshend

BEDFORDSHIRE.
Bedford.
Sir W. Wake
Robert Sparrow

BERKS.
J. Elwys
Christopher Griffith
Reading.
Francis Annesley
Windsor.
Hon. admiral Keppel
Hon. J. Montagu

BUCKS.
Earl Verney
George Grenville
Buckingham.
J. Grenville, jun.
Richard Grenville
Aylesbury.
J. Aubrey
Wendover.
Jos. Bullock

CHESHIRE.
Chester.
T. Grosvenor

CORNWALL.
Sir John Molesworth
Camelford.
J. Amyand
Leskeard.
Samuel Salt
Edw. Gibbon*
St. Michael.
Hon. T. Howard
Callington.
J. Dyke Ackland

CUMBERLAND.
Henry Fletcher
Cockermouth.
James Adair
Ralph Gowland

DERBYSHIRE.
Lord G. Cavendish
Derby.
Lord Fred. Cavendish

DEVONSHIRE.
Oakhampton.
Alex. Wedderburn
Honiton.
Sir George Yonge
Laurence Cox
Totness.
Sir Ph. Jen. Clerk
Exeter.
J. Rolle Walter

DORSETSHIRE.
Humphrey Sturt
Dorchester.
John Damer
Bridport.
Hon. L. F. Carey
Thomas Coventry
Wareham.
R. H. W. G. Hamilton
Poole.
Joshua Mauger

DURHAM.
Durham.
Lieut. gen. Lambton
J. Tempest

ESSEX.
John Luther

GLOUCESTERSHIRE.
Sir William Guise
Edward Southwell
Tewksbury.
Sir W. Codrington
Joseph Martin
Gloucester.
Charles Barrow

HEREFORDSHIRE.
Sir G. Cornwall
Thomas Foley, sen.
Hereford.
John Scudamore

HERTFORDSHIRE.
William Plumer
Thomas Halsey
Hertford.
Paul Fielde

HUNTINGDONSHIRE.
Earl Ludlow

KENT.
Hon. C. Marsham
Thomas Knight
Rochester.
Robert Gregory
Canterbury.
Sir W. Mayne
Richard Milles

LANCASHIRE.
Sir T. Egerton
Lancaster.
Lord R. Cavendish
Liverpool.
Sir W. Meredith
Richard Pennant
Wigan.
George Byng
Beaumont Hotham
Newton.
Anthony James Keck
Robert V. A. Gwillym

LEICESTERSHIRE.
J. Peach Hungerford

LINCOLNSHIRE.
Ch. Anderson Pelham
Grimsby.
Evelyn Anderson
Lincoln.
Lord Lumley
Robert Vyner

MIDDLESEX.
John Glynn
John Wilkes
London.
John Sawbridge
Richard Oliver
Frederick Bull
George Hayley

NORFOLK.
Sir Edward Astley
Wenman Coke
Lynn.
Crisp. Molineux
Norwich.
Sir Harbord Harbord

NORTHAMPTONSHIRE.
Thomas Powys
Lucy Knightly
Northampton.
Sir G Robinson
Peterborough.
Richard Benyon
Higham Ferrers.
Fred. Montagu

NORTHUMBERLAND.
Newcastle.
Sir Matthew Ridley
Berwick.
Jacob Wilkinson

NOTTINGHAMSHIRE.
Lord Edw. Bentinck.
East Retford.
Sir Cecil Wray
Newark.
George Sutton

OXFORDSHIRE.
Lord Wenman

SHROPSHIRE.
Bridgenorth.
Thomas Whitmore

SOMERSETSHIRE.
R. H. Coxe
Edward Phelips
Milbourne Port.
Hon. T. Luttrell
C. Wolseley
Bridgewater.
Benjamin Allen
Bath.
J. Smith
Abel Moysey
Bristol.
Edmund Burke
Henry Cruger

SOUTHAMPTON.
Yarmouth.
Jervoise Clerk
Lymington.
Edward Morant
Andover.
Sir J. Griffin Griffin.
Stockbridge.
Hon. J. Luttrell
Southampton.
J. Fleming

STAFFORDSHIRE.
Litchfield.
George Anson

SUFFOLK.
Rowland Holt
Dunwich.
G. W. Van Neck
Bury.
Sir Charles Davers

SURRY.
Sir Francis Vincent
James Scawen
Gatton.
James Adam
Bletchingly.
Sir Robert Clayton
Frederick Standert
Southwark.
Nathaniel Polhill

SUSSEX.
Lord G. Lenox
Sir T. S. Wilson
Bramber.
Sir H. Gough
Shoreham.
Charles Goring
East Grinstead.
Lord G. Germaine
Gen. J. Irwin
Steyning.
Filmer Honeywood
Arundel.
Thomas Brand
G. L. Newenham
Chichester.
Rt. Hon. T. Conolly

WARWICKSHIRE.
Sir Charles Holte
T. G. Skipwith
Coventry.
Edward Roe Yeo

WESTMORELAND.
Sir Mich. le Fleming

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* Mr. Gibbon to Mr. Holroyd, Feb. 25, 1775. "On Wednesday we had the Middlesex election. I was a patriot; sat by the Lord Mayor" [Wilkes] "who spoke well and with temper; but before the end of the debate fell fast asleep. I am still a mute; it is more tremendous than I imagined; the great speakers fiill me with despair, the bad ones with terror." Gibbon's Miscellaneous Works, vol. 1, p. 490.

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Appleby.
G. Johnstone

WORCESTERSHIRE.
Edward Foley
Evesham.
Sir John Rushout
Droitwich.
Thomas Foley, jun.
Worcester.
Thomas Bates Rous

WILTS.
Charles Penruddock
Ambrose Goddard
Luggershall.
Lord G. Gordon
Salisbury.
William Hussey
Devises.
James Sutton
Calne.
Rt. Hon. Isaac Barré
John Dunning
Heytesbury.
General A'Court
Westbury.
Nathaniel Bayly
Wotton Basset.
Robert Scot
Wilton.
Henry Herbert
Downton.
John Cooper

YORKSHIRE.
Sir G. Savile
Beverley.
Sir J. Pennyman
G. F. Tuffnell
Heydon.
Sir Charles Saunders
Beilby Thompson
Knaresborough.
Hon. R. B. Walsingham
Thirske.
Sir T. Frankland
Thomas Frankland
York.
Lord J. Cavendish
C. Turner
Hull.
David Hartley
Malton.
Savile Finch

CINQUE PORTS.
Dover.
J. Trevanion
Winchelsea.
C. W. Cornwall
William Nedham

WALES.
Anglesea.
Lord Bulkeley
Beaumaris.
Sir H. Williams
Cardigan.
Sir Robert Smyth
Carnarvonshire.
Tho. Asheton Smyth
Denbighshire.
Sir Wat. Will. Wynn
Merionethshire.
Evan Lloyd Vaughan
Pembrokeshire.
Hugh Owen

NORTH BRITAIN.
Bamffshire.
Earl of Fife
Elginshire.
Hon. A. Duffe
Kingherne.
J. Johnstone

Debates in the Commons on the Bill for restraining the Trade and Commerce of the New England Colonies.] Feb. 24. On the motion to commit the Bill to restrain the Trade and Commerce of the provinces of Massachuset's Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein to be mentioned, under certain conditions, and for a time to be limited,

Sir *John Griffin Griffin*, after expressing his sincere wishes to see a happy conclusion put to the American disputes without bloodshed, declared, that upon reading the Bill, he felt himself alarmed, and was jealous that, if the greatest caution and delicacy was not to be used in perfecting the Bill, it would rather provoke than effect any good purpose; he would not, therefore, without certain assurances, give his consent to its going to the committee. He contended, that the first operation of the Bill should be so calculated, that the innocent might in no event be confounded with the guilty, and observed, that the power given to the government and council of New Hampshire and Massachuset's Bay, to take off the restrictions laid by this Bill by proclamation, appeared to be so limited, that they could not issue such proclamation so as to secure those who were evidently well intentioned from the penalties of the Act: he insisted, that in common justice the commencement of its operation should be delayed to such a period, as would give those so inclined time to return to their duty; and concluded, that if this was not to be the case, he should be adverse to its going one step further. On the contrary, if he heard from authority, that none but the unrelenting and intractable would feel its influence, he should wish the Bill success.

Lord *North* replied, that it was intended to fill up the blanks in such manner as would answer the purposes wished for by the hon. gentleman, and that the first operation of the Bill would not have effect sooner than at the expiration of one month at least after its arrival.

A Petition against the Bill from the merchants, traders and others, of the city of London, interested in the American commerce, was presented, by the sheriffs of London, and read; setting forth, "That the commissioners are deeply concerned, to observe, by the votes, that a Bill is brought in, to restrain the trade and commerce of the provinces of Massachuset's Bay and New Hampshire, and colonies of Connecticut, and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies, and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein to be mentioned, under certain restrictions, and for a time to be limited; and representing to the House, that the said Bill, should it pass into a law, will, in its operation deprive thousands of his Majesty's loyal subjects of their actual subsistence, and reduce them to extreme distress, even that of famine, the said provinces not ge-

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nerally raising corn sufficient for their own support; and by the said Bill they will be prevented from receiving any supplies from their sister colonies, and precluded from their natural resource, the sea; and that the petitioners have reason to believe that very great numbers of men are bred and employed in the fisheries, who, in hardiness and intrepidity, are not exceeded by any in this extensive empire, and may be impelled, by the pressing calls of hunger and want, to such a conduct as may be productive of devastation and bloodshed, which may endanger the peace and welfare of that part of his Majesty's American dominions, or be induced to emigrate to the islands of Miquelon and St. Pierre, there to fish for the French, and give our rivals the means of supplying the markets in Europe, and thereby render it difficult for us to regain that valuable branch of commerce; and that there is now due, from the said provinces and colonies, to the city of London, a very large sum of money, and that their remittances are principally made by means of the fisheries, and consequently the ruin brought on those colonies will ultimately fall on Great Britain; and that, amongst other grievances of which our fellow subjects in America so generally complain, is, their being deprived of trial by jury in particular cases, and the extension of the jurisdiction of the admiralty courts; which grievances, the petitioners with much concern find, are not only continued, but extended by the present Bill; and they think it their duty to represent to the House, that it is their firm opinion, that the disquietude which universally prevails in the minds of their fellow subjects in America, will not be removed, unless lenient measures are pursued, and their grievances redressed; and therefore praying, that the said Bill may not pass into a law."

Mr. Alderman *Hayley* moved, that the petitioners have leave to be heard by themselves, or counsel; which was agreed to.

Feb. 28. A Petition of the merchants, traders, and principal inhabitants, of the town and county of Pool, was presented to the House, and read; setting forth,

"That the petitioners observe, that a Petition is presented to the House, from the lord mayor, aldermen, and commons, of the city of London, in common council assembled, against the Bill mentioned in the preceding Petition; and that the petitioners beg leave to observe, that the restraints intended to be laid upon the Newfoundland fishery of the colonies, mentioned in the said Bill, if carried into a law, will not by any means be injurious to commerce, as the petitioners against the Bill conceive, because the foreign markets can be amply supplied, by extending the Newfoundland fishery of subjects resident in England; and that the annual produce of the Newfoundland fishery carried on by subjects resident in the mother country, exceeds 500,000*l.* and that the Newfoundland fishery of the mother country is a constant nursery of seamen for the navy, that great bulwark of the nation, every fifth man employed being, by the 10th of William the 3rd, obliged to be a landman, a consideration of infinite weight, the petitioners imagine; and this the more especially, as the profits of the trade center intirely in this kingdom; and that the profits of the Newfoundland fishery, carried on by the colonies mentioned in the Bill, do not center here, nor is the Newfoundland fishery of the colonies a nursery of seamen for the fleet, because the Americans are not obliged by law to make use of landmen, nor are the American seamen compellable, like the British seamen, to serve their country in times of war; the petitioners are therefore greatly alarmed, lest a Petition from so respectable a body as the lord mayor, aldermen, and commons of London, should operate not only to their prejudice, but to the general prejudice of the kingdom, on a point of such importance to the national prosperity; humbly submit the foregoing facts to the consideration of the House, and soliciting, no less for their own immediate advantage than for the universal benefit of their country, such encouragement of the British fishery to Newfoundland as the parliament shall think proper."

A Petition of the people called Quakers was presented by Mr. Alderman Oliver, and read,

"Taking notice of the Bill to restrain the trade and commerce of the province of Massachuset's Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein to be mentioned, under certain conditions, and for a time to be limited;

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and that the petitioners are informed, that, in the island of Nantucket, on the coast of New England, there are about 5,000 inhabitants, nine-tenths of whom are of the people called Quakers; and that the said island is for the most part barren and sandy, not yielding provision for a twentieth part of its inhabitants; and that the inhabitants almost wholly depend on the whale fishery for their subsistence, purchasing with the produce of the said occupation, grain and other necessaries from the neighbouring colonies; and that, if the said Bill should pass into a law, these people would unavoidably be exposed to all the hardships of famine, as no provisions can be imported from any of the neighbouring colonies, and their trade, by which they subsist, will be totally prohibited; and that the said inhabitants, to the best of the petitioners' information and belief, are intirely innocent in respect to the present disturbances in America; wherefore, in consideration of the miseries impending over so large a part of their brethren, and others their fellow subjects, in that island and in the neighbourhood, under the like circumstances, the petitioners intreat the House, that the said Bill may not pass into a law, as thereby a most grievous punishment would be inflicted on the innocent, and a body of men, whose occupation is hazardous, their gains uncertain, and their labours necessary to themselves and the community, would be subjected to inevitable ruin and destruction."

And the said Petitions were severally ordered to be referred to the consideration of the committee of the whole House to whom the said Bill is committed.

The order of the day was read for the House to go into the said committee. It was moved that the Speaker do not leave the chair. The House divided. Noes 24. Ayes 97.

The House resolved itself into the said Committee; sir Charles Whitworth in the chair.

Mr. David Barclay was called in. He appeared as agent for the committee of North American merchants, and wished, with the permission of the committee, to examine some witnesses in support of their Petition. He then examined Mr. Brook Watson, Mr. Stephen Higginson, and Mr. Seth Jenkins. After which,

Mr. *David Barclay* addressed the Committee: I will now, with the indulgence of this honourable committee, take the liberty to make a few remarks on the evidence which has been given, trusting, that should I make any improper observations, I shall stand excused, by being in a situation in which I am entirely unaccustomed. By the evidence of Stephen Higginson and captain Jenkins, I think it was fully proved, that by the operation of this Bill, should it pass into a law, the inhabitants of some of the provinces may probably, by the clause which is to restrain their trade, be reduced to famine; and that by the deprivation of their fisheries, that calamity will not only be encreased, but a great number of innocent subjects undergo a punishment which they do not deserve, as by their occupation the majority of them are the most part of the year at sea, and consequently must have been absent from disturbances at home.—That by the evidence of captain Jenkins, the inhabitants of the island of Nantucket, will in a greater degree be affected by the barrenness of their soil, and they are the more to be commiserated, because, had that island remained within the district of the province of New York, as it was originally, they would not have been included in this Bill, it being but about sixty years since the island of Nantucket was made a part of the province of the Massachuset's Bay, a circumstance that doubtless many of this honourable committee know: to which may be added, that as the inhabitants are peaceable and industrious, and by the principles of the majority and the occupation of all, they are innocent subjects, it appears extremely hard that they should be included in this severe punishment. When I say principles, I do not mean to be understood, that the people called Quakers have not the same regard for civil and religious liberty, as their fellow subjects, but that their principles lead them to suffer oppression more patiently than others, and not without a hope that their superiors, by proper and respectful remonstrances, may give them relief; for resistance they cannot adopt.—By the evidence of both, it appears, how unfavourable are their ideas of the government and country of Halifax; how certain it is that these seafaring people will be constrained to emigrate elsewhere for subsistence, and how probable that some of them may go to the French.—By the evidence of Brooke Watson, it appears how extensive the fisheries were in 1764, and by Higginson and Jenkins, how very much they are since encreased.—By the evidence of

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John Lane, the large debt due from the provinces of New England; and that if the fisheries should be stopped, how little is to be expected from their other means of remittance when compared to the demands on them, from this country.—By Watson, Higginson, and Jenkins, the impracticability of carrying on these fisheries to an equal extent and advantage from Great Britain; and how dangerous it will be to divert out of its usual channel, a certain trade, the advantages of which centre in this kingdom.—From all these combined circumstances, I am led to believe, that this honourable Committee will see the impropriety of passing the fishery Bill into a law; and I trust will be convinced that the merchants and traders of the city of London do not trouble this House with petitions, but when the necessity of the case absolutely requires it, and that their anxiety to be heard at this bar, before measures are adopted, proceeds from the belief, that they have it in their power, to give such information as may enable the honourable House, consistent with its wisdom, its justice, and its dignity, to adopt measures the most advantageous to the landed and commercial interest of the whole British empire.

After this, the Speaker resumed the chair. Sir C. Whitworth reported from the Committee, that they had heard the petitioners the merchants, traders, and others, of the city of London, interested in the American commerce, in support of their petition, by their agent: and had made a progress in the Bill; and asked leave to sit again.

March 6. On the motion that the Bill be engrossed,

Lord *Howe* expatiated on the necessity of the measure, as the only moderate means of bringing the disobedient provinces to a sense of their duty, without involving the empire in all the horrors of a civil war.

Mr. *Charles Fox* said, that this Bill must have been calculated to put an end to all that remained of the legislative authority of Great Britain over America. That it must be intended to shew to the colonies that there was no one branch of supreme authority, which parliament might not abuse in such a manner, as to render it reasonable to deny, and necessary to resist it. To prove this he went through the history of the several steps, by which the authority of parliament was denied, by having been abused. At first, said he, the Americans being pressed by parliament's not chusing to leave them their old privilege, whether that privilege was by law, custom, or mere indulgence, of taxing themselves internally, they denied only our right of internal taxation. However, it was soon proved to them, by argument and practice, that an external tax could be made to answer all the purposes, and to produce all the mischiefs, of internal taxation. They then denied the right of taxing for supply. Parliament next proceeded violently to deprive them of their charters, and to make them other acts relative to their trials; then they denied your power of internal legislation. But still in the midst of all their violence and all their provocation to it, they never hitherto have formally rejected the power of parliament to bind their trade. But the British legislature is now to convince the Americans, that if but a single branch of legislative power is left to this country, we can make that single power answer all the purposes of a power to tax. This Bill, which is to restrain their commerce until they submit, until they cease to resist our taxing authority, and indeed, whatever else is thought fit to be imposed on them, will convince, he said, the Americans, that this power, thus used, may be made by far the most oppressive, and worse than any of those they had hitherto denied. He was quite satisfied, that the Bill was meant for nothing else but to exasperate the colonies into open and direct rebellion. Hitherto rebellion was only asserted, and that ambiguously, of one colony. It would from this Bill probably become apparent, and universal in all; and thus give an opportunity for drawing the sword, and throwing away the scabbard. He indeed acquitted the ministry of a design of raising a rebellion for the mere purpose of havoc and destruction. But said, that as by their injudicious measures they had brought the colonies into a state of the greatest disobedience, disorder, and confusion, without being at the same time within the legal description of rebellion, this was a state of things full of the greatest difficulties, and in which it required the utmost nicety to conduct government. But when things were brought to the length of rebellion, the course of proceeding, however desperate, was simple and obvious. And now, as by this Act all means of acquiring a livelihood, or of receiving provisions were cut off, no other alternative was left, but starving or rebellion.

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Mr. *Jenkinson* drew a very different inference from the fact of the progressive detail of the several parts of our legislative authority in America. That fact, so strongly stated by Mr. Fox, shewed clearly that the colonists aimed at a rebellious independence from the beginning; for having at first only denied our right of internal taxation, when that right was modelled to their own pretences, they quarrelled just as violently with this mode as with the former. Afterwards, when their multiplied disorders had made internal regulations necessary, they denied the power of making these regulations. They first provoked penalties by their disobedience, and then denied the right of the power which had been put under a necessity of inflicting those penalties. The reasons, he said, alleged in censure of the acts of legislature, were in reality their strongest justification and best panegyrics. He thought therefore this Act to be in every respect just, and considering the offence of those who are the object of it, merciful.

Mr. *T. Townshend* urged the cruelty and injustice of an Act which made no discrimination between innocence and guilt, which starved all alike, and which had a tendency to fix an eternal hatred of this country and its legislature in the minds of the Americans. With regard to the original provocation stated to have produced the penalties, he denied the fact; but asserted, on the contrary, that our violating their privileges, or grossly shocking their old respectable prejudices, first produced the disobedience, and then the disobedience was punished by the most cruel and unnatural acts.

The *Solicitor General* of Scotland* said, the Act had his most hearty approbation. That it was just, because provoked by the most criminal disobedience: it was merciful, because that disobedience would have justified the severest military execution. This measure was not sanguinary: and as to the famine which was so pathetically lamented, he was afraid it would not be produced by this Act. That though prevented from fishing in the sea, the New Englanders had fish in their rivers, to which this Act did not prevent them from resorting; and that though he understood their country was not fit for grain, yet they had a grain of their own, Indian corn, on which they might subsist full as well as they deserved; but whether they might so subsist or not, was no part of his consideration. He looked on the Act as coercive, and that the coercion which put the speediest end to the dispute, was certainly the most effectual. That when it was said no alternative was left to the New Englanders but to starve or rebel, this was not the fact, for there was another way, to submit. He wished, however, that some test to discriminate the innocent from the guilty had been adopted. That this test, notwithstanding it had been originally stated as part of the plan by lord North, had been dropped by his lordship. That it might serve to introduce a rule of obedience for all, and might prevent the innocent from being involved with the guilty in a common punishment. But the Act was on the whole so right, and he approved and admired it so much, that he could not quarrel with it for this defect.—As to what had been apprehended from the loss to the merchants of Old England, by disabling those of the New to pay their debts, he said, that when the colonists had submitted, they might then resume their fisheries and their trade, and thus be enabled to pay their debts. In the mean time, that part of the capital stock of England, which was now employed in carrying on the fisheries of New England, would be employed in carrying on our own, and thus our merchants could suffer no loss a whatsoever. This was as clear as any demonstration of Euclid.

Lord *John Cavendish* was shocked with the perfect ease and alacrity with which they voted famine to a whole people; and he was in particular surprised at the ideas of clemency, entertained by the learned gentleman who spoke last. He commended this measure, because it was not sanguinary; but to kill by starving, was not cruelty; and provided a man's blood was not shed, he might be destroyed with great gentleness—in any other way whatsoever. This Act he considered as alienating the Americans for ever, and rendering useless any possible plan of reconciliation.

Mr. *Rice* did not adopt this proposition but with the greatest pain and reluctance. He knew it was harsh; but that harsh measures were unfortunately necessary. He was satisfied from a careful comparison of all the parts of the proceedings of the Americans with each other, that independency was their object; that they intended to throw off the commercial restrictions, as well as the taxes: on which latter point he was as much inclined to relax as

* Mr. Henry Dundas, created viscount Melville in 1802.

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any other gentleman, if he could be tolerably assured that such relaxation would not be introductory to a further, and a worse opposition on their parts. He thought he saw, by the obstinate conduct of Boston in holding out so long, and under such inconveniences, that their designs were very deep; and he was convinced that the satisfaction to custom-house officers, required as a condition of pardon by the Act which shut up their port, was their principal reason for this stubborn opposition. And this pointed clearly to the true object of their resistance.

Mr. *Edmund Burke* was afraid any debate on this subject was to little purpose. When this parliament, originally disengaged to any system, and free to chuse among all, had, previous to any examination whatsoever, begun by adopting the proceedings of the last, the whole line of our public conduct was then determined. [Here the majority raised a great cry of approbation.] He said the cry was natural, and the inference from what he had said just; that the road by penitence to amendment was, he knew, humiliating and difficult; and that the greater part of mankind were disposed like Macbeth to think

"I am in blood
"Stept in so far, that, should I wade no more
"Returning were as tedious as go o'er;"

and thus they pass towards the further bank, be the channel ever so wide, or the flood ever so deep and rapid. That as this measure was in the same spirit as all the former, he did not doubt but that it would be productive of the very same consequence.

That this was, in effect, the Boston Port Bill, but upon infinitely a larger scale. That evil principles are prolific; this Boston Port Bill begot this New England Bill; this New England Bill will beget a Virginia Bill; again a Carolina Bill, and that will beget a Pennsylvania Bill: till one by one parliament will ruin all its colonies, and root up all its commerce; until the statute book becomes nothing but a black and bloody roll of proscriptions, a frightful code of rigour and tyranny, a monstrous digest of Acts of penalty, incapacity, and general attainder; and that, open it where you will, you will find a title for destroying some trade, or ruining some province.

That the scheme of parliament was new and unheard of in any civilized nation, "to preserve your authority by destroying your dominions." It was rather the idea of hostility between independent states, where one not being able to conquer another, thinks to reduce its strength gradually, by destroying its trade and cutting off its resources. That this mode was never used by princes towards their subjects in rebellion; the maxim in such cases always was, to cut off the rebels but to spare the country, because its strength is the strength of the sovereign himself. Here the principle was reversed; the force used against the rebels was trifling (though very expensive) but the trade, which was the wealth of the country, was to be destroyed.

He then entered into the difference of expence, and the loss between the two modes; and proved, in detail, that these Bills would, in all probability, cost the nation more than the maintenance of an army of 40,000 men. That when things were come to violences he thought the sword much the most effectual, and though severe, not so unjust as these universal proscriptions, because it would fall only on those who resisted. But this Act confounded all kinds of people, all sexes, all ages, in one common ruin. That nothing could be at once more foolish, more cruel, and more insulting, than to hold out, as a resource to the starving fishermen, ship-builders, and the infinite number of other mechanics employed in trade and fishery, and ruined by this Act, that after the plenty of the ocean, they may poke in the brooks, and rake in the puddles of their respective countries, and diet on what we considered as husks and draft for hogs.

It was, he said, foolish and insulting; because, when you deprive a man of his trade and occupation, you deprive him of the means of his livelihood, if there were ever so much fish in the streams, or corn in the fields. That a shoemaker's livelihood goes when a fisherman can no longer pay him for his shoes. He has no resource in other people's plenty. How is he to get at horse-beans or Indian-corn, or at the worst of food, for himself and his starving family? Then he shewed, that the ruin of the staple trade of a people, involved in it the ruin of the whole community; and proved, by entering minutely into its nature and employment, that the British capital employed in the New England trade, could not possibly be turned to the British fishery; and (treating very lightly the demonstration of Euclid) he shewed, that one year's intermission of the course of the New Eng-

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land foreign trade, would be the certain loss of the whole debt now due to the English merchants.

But the point on which he rested most, was this: the sentence was, in the mildest way, beggary, if not famine on four great provinces. The condition of their redemption was, "When it should be made appear to the governors, and the majority of the council in two of these provinces, that the laws would be obeyed." By what evidence, said he, is this to be made to appear? Who is to produce it? What facts are to be proved? What rule has the person who is to make it appear, to go by? What rule have the two governors to determine, so as to acquit them—in employing or in refusing, either to government here, or to the people there? You sentence, said he, to famine, at least 300,000 people in two provinces, at the mere arbitrary will and pleasure of two men whom you do not know; for you do not know who will be governors when this Act takes place. And, lest these two should risk an act of mercy, you add, as a controul to them, the majority of two councils, whom you do not know, and one of them, at present, has no existence! And as to the other provinces, Connecticut and Rhode Island, the Act has not left a man in these two provinces, who, by the exertion even of an arbitrary discretion, can relieve 200,000 people more, or any innocent or repenting individual, let their behaviour be what it will. A governor of another province, who can never regularly and officially know their true state, can alone be arbitrary in favour of justice.

This, said he, is because, in these two ill-starred provinces, the people chuse their governors: but is that a crime in individuals, which is the legal constitution of the country? If it be a bad one, England has given it to them, and has not taken even a step towards altering it. On this point, of the unheard-of power given to governors, of starving so many hundreds of thousands at their mere pleasures, of which, he said, no history of real, and even no fabulous invention of fictitious tyranny, had ever furnished an example, he dwelt a long time, and placed it in an infinite variety of lights; and kindled into such warmth, that he was at length called to order. But he continued to repeat the strong terms, as, he said, he had a right to give such epithets to the Bill as he pleased, until it had passed the House. If that should be the case, he would then be silent, because it would be against order to speak of it as it deserved, and against prudence, to offend a body of men who had so much power, and would shew, by passing that Bill, how harsh an use they were disposed to make of it.

He said, however, he was convinced, by the whole tenor of the debate, as well as by his private conversation, that most of those who would vote for this Bill had never read it; that what they did was not out of malice, but out of respect to the opinions of others, who, by presenting them such a Bill, shewed how little they deserved this unlimited confidence. He said, that if any were in that situation, he hoped they would have the benefit of the prayer made for those who alone had done an act worse than this, "Forgive them, they know not what they do."

The *Lord Advocate* of Scotland began with disclaiming any thing of cruelty, as foreign to his nature and disposition; but authority must be preserved, though the guilty, and sometimes even the guiltless, by accident, should suffer. That rigour was annexed to the idea of punishment, and that punishment was right or wrong, according to the desert of the parties; that whatever necessity made this punishment so rigorous, or extended it to so vast a latitude, was owing to those who, taking part with America, in this House or elsewhere, encouraged them to resist the just authority of parliament. They were, he said, guilty of the blood of the colonists. That he was sure the taxation of America was just and defensible by every principle of the constitution; and that though this ground of taxation was very much beaten, yet as the whole question originated there, it was necessary to shew the foundation of the right; this he did by a distinct enumeration of the acts of parliament. He was clear and methodical; but the House was not disposed to listen to an argument which they had heard so frequently discussed. He said, with temper, that he gave way to that disposition of the House, and was content to give his approbation to the Bill.

The question being put, That the Bill, with the Amendments, be ingrossed; the House divided. The Yeas went forth.

Tellers.

Yeas	Lord Lisburne - - Mr. Dundas - - -	215
Noes	Mr. Tho. Townshend Mr. Burke - - -	61

So it was resolved in the affirmative.

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May 8. The Bill being read a third time,

Mr. *Hartley* moved, that the following clause be added, by way of ryder: "That nothing in the Act shall extend to prohibit the importation into any, or either, of the said provinces, of any fuel, meal, corn, flour, or victual, which shall be brought coastwise from any part of the continent of America." This clause, said he, cannot be objected to, even by the most vindictive spirit, against the four provinces of New England, who are the objects of this Bill, as it is extracted from the Boston Port Bill of last year: the lenity or humanity of which was never so much as pretended, even by its advocates. There cannot be a reason why you should throw away this year, the little share of humanity which you had the last; more especially, as we are come to discover, and even to acknowledge, by the votes of this House, that we have proceeded hitherto, in this business with America, with rashness, misjudgment and precipitation. The vote I allude to is passed but a few days since; which says, or pretends to say, that it would have been 'proper' (that is the term) to have proceeded in a way of asking a supply of the Americans, by the constitutional way of requisitions, before proceeding to compulsory or forcible methods. Having confessed ourselves wrong in the foundation, it is but equal justice to our fellow subjects of America to suppose, that those riots and resistance would not have happened, if we had not begun with them confessedly in an unconstitutional way. Surely, then, it is not a time to add to the severity of our Acts, in proportion as we find, that we have been unjust in the outset, and that they have been less to blame. It is surely but a little matter to ask, that you would not be more cruel towards America, who have never been heard on their defence this year, than you were the last. Besides, what construction can the town of Boston put upon your present measures, if you refuse the clause now offered? They will be besieged, as in actual war with any foreign enemy. General Gage has fortified the neck which joins Boston to the continent, by which he may intercept provisions; and by this Bill you proclaim the same intention by sea. Do you expect, that they will submit to be starved, in passive obedience? What resource have they left, but resistance; and, perhaps, to take advantage of the smallness of numbers of general Gage's troops, before they are reinforced; for this Act puts it out of all doubt, that you mean to proceed to all extremities. I have been informed, by those who know best the temper of the Americans, and I hope and believe that they will hold out their patience to the utmost, and that they will not strike the first blow: but what is the difference to them, whether you strike the first blow by the musket or the sword, or, to equal effect, by famine? The refusal of this clause, will be a declaration on your part, that you mean to bring famine upon them, to the utmost of your power, and therefore a warning to them of the mercy which they are to expect at your hands. As to the Bill in general, it has been so ably debated, that I shall only add two remarks: this Bill, by destroying the North American fishery, not only destroys that nursery of seamen, but will disable the provinces, under the prohibition, from the means of paying their debts to this country, who therefore will finally be the sufferers; and when the next year comes, and you find this consequence, you will then turn accusers of the North Americans for not paying their debts, and you will add, according to the usual falshoods towards the Americans, that they never intended to pay their debts; and, by the distance of the place, and the falshood of representations, you will impute those very effects which you have produced yourselves, as the justifying causes of resentment. This is the unjust way in which the Americans have been treated, on all occasions. I myself asked, the other day, why, on a particular occasion of a slight riot of not more than a few hours continuance, four regiments and a train of artillery, were ordered to Boston? To justify this enormous intervention of the military, I was told in this House, that indeed the riots were trifling, but that the Americans had come to a resolution to arm the country. What, then, was the real fact, as testified by dates? The fact was, that the resolution to arm was not taken till the troops were seen in the offing. It was the sight of the troops, upon so trivial an occasion, that gave them to understand what they were to expect; and, by dates, the fact is verified, that they did not take to arms till some months after the troops were ordered; but it was upon their first notice of the troops being to come; and the resolution to arm against the worst, was actually debated but a few hours before the

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troops were landed. So it is that facts are misrepresented in America, and so let me put in my caution now, that the Americans do now actually pay their debts, like honest men, to the utmost of their power, and let me be before-hand with this charge; if when the natural consequences of these measures come next year, we should hear any false accusations of the Americans, as combining not to pay their debts. I shall make but one remark more, but which seems to me to be of the utmost importance to the whole commercial system of England, which is, that the plantation-built bottoms are two thirds, or three quarters, or all the bottoms upon which the British merchandize, to every quarter of the globe, is carried on; when we meditate a blow at the American trade, we should recollect at least, that there is this one manufacture (if I may so call it) of ship-building, upon the encouragement of which our very existence, as a trading people, depends. However we may think it our interest to suppress the rivalship of the colonies with ourselves, in other manufactures, yet in this trade of ship-building they are our most material and essential support. This revengeful blow at the American ship-building, will fall most immediately and fatally upon the manufacturers and merchants of every commercial article in this kingdom. For these reasons, I am against the whole principle of the Bill; and if we cannot prevail to have it rejected, I humbly move, at least, the admission of the clause which I have just offered.

Lord *North* said, as the Bill not only meant to restrain the colonies of New England from trade so long as they would not trade with us, but also to let them feel the inconveniences which they must be exposed to, while they denied the authority of parliament, he could not, until their conduct gave parliament some grounds for it, agree in opinion, that parliament should relax from the coercion which this Bill meant to execute. He thought it was right that they should feel some of those distresses which the power of this country could bring upon them, while they dared to set their power in opposition to it. But even in the exertion of force, nay of arms if it should become necessary, he never should wish measures which were cruel. The case of the Boston Port Bill was quite different. The town of Boston had obstructed our trade, and had committed an act of outrage against it; it was proper, therefore, to prevent that town from being a place of trade, until they made recompense, but as they had not then formally arrayed themselves against the power as well as authority of this country, further restraints, such as were in the present Bill, were not then necessary, and the permitting provisions and fuel to go up to the town by water was inserted in that Bill. The further restraints which a more violent conduct had now rendered necessary, were inserted in the Bill, and instead of relaxations from these, more severe ones must follow, if their conduct made such further necessary.

Mr. *Burke* was warm against the Bill. It was not, he said, sanguinary, it did not mean to shed blood, but, to suit some gentleman's humanity, it only meant to starve five hundred thousand people, men, women, and children at the breast. Some gentlemen had even expressed their approbation of famine in preference to fire and sword. This Bill not only had taken from these people the means of subsisting themselves by their own labour, but, rejecting the clause now proposed, took from them the means of being subsisted by the charity of their friends. You had reduced the poor people to beggary, and now you take the beggar's scrip from them. You even dash from the mouth of hunger the morsel which the hand of charity would stretch out to it. On the subject of famine he was fine and pathetic.

Lord *Clare* said, he would not enter the list with the hon. gentleman who spoke last, it would be the waging an unequal war; but he had in his hand a friend who was a match for him: my old friend, sir Joshua Gee, a great friend to America, though no patriot; a man who has written better on trade than any other man living, and who knew more of America. Now, Sir, my friend Joshua Gee, with a kind of prophetic spirit says, if ever the people of New England should aim to set up for themselves, what must we do? Do, Sir, why the very things which are now doing. Joshua Gee says, you must restrain their trade and prohibit them from the fishery, and you will soon bring them to their senses. I hope Joshua Gee will be a prophet there too. But here are his words. [He here read a long passage from the book, and then commented on it.] Now, Sir, nobody that ever read this passage, thought this conduct, as here proposed, to be cruel, but necessary and wise, Sir. But since we have got a language in this

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House that is fitter for the turbulent harangues of an American congress than for a British parliament, every thing which would restrain American independency is unjust and cruel. But if so, Sir, how come gentlemen not to oppose the augmentation of the army and navy for these purposes. They retired from that question; some never looked to it; others retired sturdily like Ajax: they did not turn their backs, but, Sir, they retired.

Mr. *T. Townshend.* If the augmentation of the navy and army had been proposed as a force with which to make war on America, I would, Sir, have been as sturdy as Ajax, not retiring, but attacking, I would have set my face against it; I would have used every power I had to oppose it; I would have carried my opposition to turbulency, since the noble lord will so describe it. The reason why I did not oppose it, I will avow; it is a fair one. I knew that it was determined that a great part of the force which we then had was to be sent to America. I trembled for the safety of this realm, thus stript of the strength intended originally for its defence; I was glad when I heard an additional defence was to be proposed for it. I would not oppose this necessary measure, though I would not in any thing mix myself with the measures of ministry. He then went into the argument on the subject of famine and starving.

Mr. *Charles Fox.* I think, Sir, you have now, by refusing this proposition, completed the system of your folly. You had some friends yet left in New England. You yourselves made a parade of the number you had there. But you have not treated them like friends! Rather than not make the ruin of that devoted country complete, your friends are to be involved in one common famine! How must they feel, what must they think, when the people against whom they have stood out in support of your measures, say to them, "You see now what friends in England you have depended upon; they separated you from your real friends there, while they hoped to ruin us by it; but since they cannot destroy us without mixing you in the common carnage, your merits to them will not now save you; you are to be butchered and starved indiscriminately with us? What have you to look to for support but resistance? You are treated in common with us as rebels, whether you rebel or not. Your loyalty has ruined you. Rebellion alone—if resistance is rebellion—can save you from famine and ruin." When these things are said to them, what can they answer? What part have they to take? They must resist in common with those with whom you have united them in ruin. I thought your measures were intended to divide the people. But when you mean to destroy you unite all, because you wish to destroy all. Thus much I thought it right to say, that I might mark the spirit of your measures.

Governor *Pownall,* having now, after two days debate, heard so much about the starving principles of this Bill, and of the famine which was to be the effect of it in New England, rose to say a few words, in order, by stating the fact, to wipe off from the Bill an imputation, which not only the oratory of those who opposed it, but the indiscretion of some who had defended it, brought upon it; the foul stain of hard-heartedness and cruelty; as also to calm any apprehensions which gentlemen by their oratory, working on a fact taken for granted, had endeavoured to raise in the breasts of the humane.—As to the starving and famine, supposed as an effect which might follow from the operations of this Bill, it was a supposition too idle to combat. The colonies of New England were provision colonies, they were great grazing settlements; they had not, indeed, been equally attentive to tillage as the farmers of the middle colonies had been, but they raised sufficient corn, rye, and barley for their subsistence; that although they imported some flour and biscuit from Philadelphia and New York, yet the first was chiefly for the luxury of the rich, and the latter for fitting out their shipping. If it became necessary to restrain their trade the latter would not be wanted, and if people will go to war they must expect to give up the former. If the Bill proceeded upon any such principles of hard-heartedness, or if he could see any such cruel effects in it as had been stated, he would have opposed it, instead of acquiescing in it; instead of any such mischievous effect on the colonies, we should have need to watch, that it did not produce a contrary effect, namely, that of turning their thoughts more seriously to tillage; if it should, might it not have the effect fabled in the story of Antæus, that the moment in which they touch the ground, from that moment they should derive strength. He concluded by saying that he considered this Bill simply as a

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commercial regulation; as a temporary withholding of those indulgences which particular laws and connivance had given, in relaxation of the general laws on which the plantation trade had been originally established; as withholding these indulgences so long as the colonies should think fit to prohibit the trade of Great Britain: it was from seeing and considering it in this light alone that he acquiesced in it.

Mr. *Henry Dundas* (Solicitor General of Scotland). In what I said in a late debate, I did not say that I approved of measures of starving a whole people; but, that if matters between us and the Americans were come to that issue, that we must at last use force, and perhaps the sword; surely those measures which would prevent them from being able to resist, might prevent us from coming to the harsher measures of the sword and bloodshed. I thought these measures would bring them to their senses, and would therefore, in the end, prove mercy to them. This, I hoped, would be the true operation and effect of this Bill; and, therefore, approving that operation, I must disapprove this motion.

On the motion, that the said clause be read a second time, the House divided. The Yeas went forth.

Tellers.

Yeas	Mr. Hartley Mr. Byng	58
Noes	Lord Stanley Mr. Cooper	188

So it passed in the negative. The Bill was then passed and carried to the Lords.

Mr. *Hartley* said, that a letter had been written by the earl of Dartmouth to governor Colden, of New York, dated the 10th Dec. 1774: as this letter contained matter well worthy the consideration and attention of the House, he should be glad, he said, to have it laid before the House.

Mr. *Rigby* opposed this. He said administration must always be understood to be the sole judges of what is and what is not proper to be laid before the House.

Mr. *T. Townshend* observed, it was a very novel and extraordinary doctrine to affirm, that when a paper was called for, and particularly described, it was in the option of the minister to produce or withhold it at his pleasure.

Lord *North* contended there were many papers, which a mere spirit of curiosity might prompt men to call for; but that bare curiosity, in his opinion, should not be gratified, when it might be productive of evil; that he believed it was neither novel nor extraordinary to keep many matters secret.

Mr. *Fox* said, the noble lord from the beginning had taken care to lead the House blindfold; and would, he was certain, continue to do so, till he found some personal convenience in acting otherwise. He pronounced confidently, that the Bill just passed could not succeed; and desired the noble lord to recollect his words, and at the same time not to come to parliament, telling them, though the measure miscarried, it was their measure, for if they had not framed, they had, after the fullest deliberation, approved of it. The fact was the very reverse, as his lordship had been both the framer and approver; and by the arts of misinformation on one hand, and want of any material information on the other, parliament were persuaded into an approbation of his measures.

Mr. Hartley then moved for the said Paper: but it passed in the negative.

Petition and Memorial of the Assembly of Jamaica to the King in Council.] Governor *Johnstone* said, he had been informed that an extraordinary Petition from Jamaica had been received by the ministers, the contents of which were of the utmost importance; and desired to know the reason why it was not laid before the House?

Lord *North* said, he could assign no reason. The Petition was from the assembly of the island, hastily agreed upon, just at the end of the session.

Mr. *Fox* thought that was a sufficient reason to force it upon his lordship's notice; for it was his lordship's practice to transact the most important business at the end of the session.

Lord North said it should be brought. The following is a copy of it.

Jamaica, ss. To the King's most excellent Majesty in Council. The humble Petition and Memorial of the Assembly of Jamaica.

"Most Gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects the assembly of Jamaica, having taken into our consideration the present critical state of the colonies, humbly approach the throne to assure your Majesty of our most dutiful regard to your royal person and family, and our attach-

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ment to and reliance on our fellow subjects in Great Britain, founded on the most solid and durable basis; the continued enjoyments of our personal rights and the security of our properties.

"That weak and feeble as this colony is, from its very small number of white inhabitants and its peculiar situation, from the incumbrance of more than 200,000 slaves, it cannot be supposed that we now intend, or ever could have intended resistance to Great Britain.

"That this colony has never, by riots or other violent measures, opposed or permitted an act of resistance against any law imposed on us by Great Britain, though always truly sensible of our just rights and of the pernicious consequences, both to the parent and infant state, with which some of them must be attended; always relying with the most implicit confidence on the justice and paternal tenderness of your Majesty, even to the most feeble and distant of your subjects, and depending, that when your Majesty and your parliament should have maturely considered and deliberated on the claims of Great Britain and her colonies, every cause of dissatisfaction would be removed. That justly alarmed at the approaching horrors of an unnatural contest between Great Britain and her colonies, in which the most dreadful calamities to this island, and the inevitable destruction of the small sugar colonies are involved: and excited by these apprehensions, as well as by our affection for our fellow subjects both in Great Britain and the colonies, we implore your Majesty's favourable reception of this our humble petition and memorial, as well on behalf of ourselves and our constituents the good people of this island, as on behalf of all other his Majesty's subjects the colonists of America; but especially those who labour at present under the heavy weight of your Majesty's displeasure, for whom we entreat to be admitted as humble suitors that we may not at so important a crisis be wanting to contribute our sincere and well-meant, however small, endeavours, to heal those disorders which may otherwise terminate in the destruction of the empire.

"That as we conceive it necessary for this purpose to enter into the different claims of Great Britain and her colonies, we beg leave to place it in the royal mind as the first established principle of the constitution, that the people of England have a right to partake, and do partake, of the legislation of their country; and that no laws can affect them but such as receive their assent given by themselves or their representatives; and it follows therefore that no one part of your Majesty's English subjects either can or ever could legislate for any other part.

"That the settlers of the first colonies, but especially those of the elder colonies of North America, as well as the conquerors of this island, were a part of the English people, in every respect equal to them, and possessed of every right and privilege at the time of their emigration, which the people of England were possessed of, and irrefragably to that great right of consenting to the laws which should bind them, in all cases whatsoever, and who emigrating at first in small numbers when they might have been oppressed, such rights and privileges were constantly guaranteed by the crown to the emigrants and conquerors, to be held and enjoyed by them in the places to which they emigrated, and were confirmed by many repeated solemn engagements made public by proclamation, under the faith of which they did actually emigrate and conquer, and therefore the people of England had no rights, power, or privilege to give to the emigrants as these were at the time of their emigration, possessed of all such rights equally with themselves.

"That the peers of England were possessed of very eminent and distinguished privileges in their own rights as a branch of legislature. A court of justice in the dernier resort for all appeals from the people, and in the first instance, for all causes instituted by the representatives of the people; but that it does not appear that they ever considered themselves as acting in such capacities for the colonies, the peers having never to this day heard or determined the causes of the colonists in appeal, in which it ever was, and is their duty, to serve the subjects within the realm.

"That from what has been said it appears, that the emigrants could receive nothing from either the peers or the people, the former being unable to communicate their privileges, and the latter on no more than equal footing with themselves, but that with the king it was far otherwise. The royal prerogative as now annexed to, and belonging to the crown, being totally independent of the people, who cannot invade, add to, or diminish it; nor restrain, nor invalidate those legal grants which

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the prerogative hath a just right to give, and hath very liberally given for the encouragement of colonization. To some colonies it granted almost all the royal powers of government which they hold and enjoy at this day, but to none of them did it grant less than to the first conquerors of this island, in whose favour it is declared by a royal proclamation, that they shall have the same privileges to all intents and purposes, as the freeborn subjects of England.

"That to use the name or authority of the people of the parent state, to take away or render ineffectual the legal grants of the crown to the colonists, is delusive, and destroys that confidence which the people have ever had and ought to have of the most solemn royal grants in their favour, and renders unstable and insecure those very rights and privileges which prompted their emigration.

"That your colonists and your petitioners having the most implicit confidence in the royal faith, pledged to them in the most solemn manner by your predecessors, rested satisfied with their different portions of the royal grants, and having been bred from their infancy to venerate the name of parliament, a word still dear to the heart of every Briton, and considered as the palladium of liberty, and the great source from whence their own is derived, received the several acts of parliament of England and Great Britain for the regulation of the trade of the colonies, as the salutary precautions of a prudent father for the prosperity of a wide extended family; and that in this light we received them without a thought of questioning the right, the whole tenor of our conduct will demonstrate, for above one hundred years; that, though we received these regulations of trade from our fellow subjects of England and Great Britain, so advantageous to us, as colonists, as Englishmen, and Britons, we did not thereby confer on them a power of legislation for us, far less of destroying us and our children, by divesting us of all rights and property.

"That with reluctance we have been drawn from the prosecution of our internal affairs, to behold with amazement a plan almost carried into execution, for enslaving the colonies; founded, as we conceive, on a claim of parliament to bind the colonists in all cases whatsoever.

"Your humble petitioners have for several years with deep and silent sorrow, lamented this unrestrained exercise of legislative power, still hoping from the interposition of their sovereign, to avert that last and greatest of calamities, that of being reduced to an abject state of slavery, by having an arbitrary government established in the colonies; for the very attempting of which, a minister of your predecessors was impeached by a House of Commons.

"With like sorrow do we find the popish religion established by law, which by treaty was only to be tolerated.

"That the most essential rights of the colonists have been invaded, and their property given and granted to your Majesty by men not entitled to such a power.

"That the murder of the colonists hath been encouraged by another Act, disallowing and annulling their trials by juries of the vicinage; and that fleets and armies have been sent to enforce those dreadful laws.

"We therefore, in this desperate extremity, most humbly beg leave to approach the throne, to declare to your Majesty, that our fellow subjects in Great Britain, and consequently their representatives the House of Commons, have not a right, as we trust we have shewn, to legislate for the colonies; and that your petitioners, and the colonists, are not nor ought not to be bound by any other laws, than such as they have themselves assented to, and not disallowed by your Majesty.

"Your petitioners do therefore make this claim and demand, from their sovereign, as guarantee of their just rights, on the faith and confidence of which they have settled, and continue to reside in these distant parts of the empire, that no laws shall be made and attempted to be forced upon them, injurious to their rights as colonists, Englishmen, or Britons.

"That your petitioners, fully sensible of the great advantages that have arisen from the regulations of trade in general, prior to the year 1760, as well to Great Britain and her colonies, as to your petitioners in particular, and being anxiously desirous of encreasing the good effects of these laws; as well as to remove an obstacle, which is now in our government, and could not have existed on the principles of our constitution, as it hath arisen from colonization; we do declare for ourselves and the good people of this island, that we freely consent to the operation of all such acts of the British parliament, as are limited to the regulation of our external commerce only, and the sole objects

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of which are the mutual advantage of Great Britain and the colonies.

"We, your petitioners, do therefore beseech your Majesty, that you will be pleased, as the common parent to your subjects, to become a mediator between your European and American subjects, and to consider the latter, however far removed from your royal presence, as equally intitled to your protection, and the benefits of the English constitution, the deprivation of which must dissolve that dependence on the parent state, which is our glory to acknowledge, whilst enjoying those rights, under her protection. But should this bond of union be ever destroyed, and the colonists reduced to consider themselves as tributaries to Britain, they must cease to venerate her as an affectionate parent.

"We beseech your Majesty to believe, that it is our earnest prayer to Almighty Providence to preserve your Majesty in all happiness, prosperity, and honour, and that there may never be wanting one of your illustrious line to transmit the blessings of our excellent constitution to the latest posterity, and to reign in the hearts of a loyal, grateful and affectionate people.

"Passed the Assembly this 23rd day of December, 1774."

Debate in the Lords on the Tythe Cause —Chaplin against Bree.] March 6. This day was heard a remarkable Tythe Cause. Counsel were called in to be heard in the cause wherein Charles Chaplin, esq. is appellant, and John Bree, clerk, is respondent, being an appeal from an order of the court of Exchequer of the 16th of May 1774. The case shortly was this: two issues had been tried at the assizes of Lincoln, to enquire what were the modes for collecting tythes in the parish of Rysom, and whether the lands in question, of which tythe was demanded, were extra-parochial, or within the parish. The jury found for Mr. Chaplin, the proprietor of the land. Judge Blackstone attended, and, as the judge who tried the cause, reported the evidence. His opinion was, that the verdict was against evidence. The clergyman, Mr. Bree, applied to the court of Exchequer, and obtained two orders for new trials, which Mr. Chaplin now complained of; and against these orders appealed to the House of Lords.—It appeared by the judge's report, and the arguments of counsel, that the appellant, Chaplin, was owner and occupier of all the lands in the parish of Rysom in the county of Lincoln, to the amount of 2,000 acres, for which he paid no tythe whatever, but a sum of money of 15*l.* 10*s.* 1½*d.* by way of composition: this being considerably under the real value, the respondent, Bree, rector of the parish, exhibited his bill in the court of Exchequer, Hilary term, 1769, praying that the appellant might be deemed to account with him, according to the real and full value of the lands. The appellant admitted, generally, the allegations contained in the respondent's bill; but insisted that part of the lands called Grange de Lynge, mentioned in the pleadings, were not within the parish of Rysom, being extra-parochial; and that an ancient composition real, anterior to the reign of queen Elizabeth, had been made between the patron and parson of the parish, for the yearly sum of 15*l.* 10*s.* 1½*d.* in lieu and full satisfaction of all tythes, and other ecclesiastical dues. The said cause being heard before the barons of the Exchequer, two issues were directed to be tried, the first at the next Lincoln assizes, to enquire whether the lands of Grange de Lynge were in the parish of Rysom; the second, whether there had been any composition real between the patron and parson, previous to the reign of queen Elizabeth. On the 25th and 26th of March, 1774, both matters came to be determined before Mr. Justice Blackstone and two special juries, at Lincoln, when verdicts in both issues were found for the appellant, that Grange de Lynge was extra-parochial; and that there had been an ancient composition real, paid in lieu and full satisfaction of tythes and ecclesiastical dues. —The respondent, looking upon himself to be aggrieved by both verdicts, and conceiving that the learned judge who tried the cause, (by his direction of the jury) was of opinion, that the appellant had failed in proving the affirmative, or either of the propositions on which he rested his cause, applied for a new trial at the court of Exchequer, who, after hearing counsel several days, thought fit to order a new trial on both issues, against which the appellant, Chaplin, appealed.—As soon as the counsel had finished the reply,

Lord Chancellor *Apsley* observed, that the whole of the first question rested solely on the construction of the terms, in which the grant of the 30th Henry 8 to Charles Brandon, duke of Suffolk, of the lands in question, was conceived. His lordship re-

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cited the grant, and observed, that in the first clause the words were, that 'he granted the lands of Grange de Lynge, in the county of Lincoln, and all the lands in the lordship and parish of Rysom, to the said Charles,' &c. which, whatever construction might be put on it, strongly inclined him to believe, that Grange de Lynge was in the county, and not in the parish of Rysom. The other part of the said grant, which the learned judge seemed to lay greatest stress on in his report, was, where the grant mentioned all granges in said parish, and no other grange appearing to lie within the parish, it was extremely natural and probable, that it could be only Grange de Lynge which was meant to be therein described; but here again he begged leave to differ: for coupled almost with those words, Grange de Lynge was described to be in the county of Lincoln, and not in the parish of Rysom; consequently, he was clearly of opinion, that Grange de Lynge was an extra-parochial place, and that the decree of the court of Exchequer, ordering a new trial on that issue, ought to be reversed. As to the composition real, no evidence having been brought to prove that it was of more ancient date than the year 1707; and different sums, at several times, being paid, one time 4*l.* another 10*l.* and lastly 15*l.* which if an ancient composition within the statute, should have been equal and uniform, he was of opinion, that another trial ought to be had, and that of course the second order ought to be affirmed. His lordship then returned to the woolsack, and put the question on the reversal of the first order, which was agreed to; and having put the question of affirmance on the order of a new trial on the second issue,

Lord *Le Despencer* said, the present order, if affirmed, might be a precedent big with the most fatal consequences to the landed interest in general; and that, should such a claim prevail in the present instance, it might at once render one half of the landed property in the kingdom insecure and precarious. Here, said his lordship, from 1601, for the space of 174 years, a composition has been paid in lieu of tythes; and now a man, in a distant county, who cannot perform any duty, because he cannot be at the same time in two places, in Essex and in Lincoln, comes to demand tythes in a place where there is no congregation, where there is not a church, nor has been in the memory of man, and where, besides, the few priestly functions performed are paid for to a neighbouring clergyman. But however unreasonable and inequitable such a claim may be, there is still something infinitely worse, when we come to examine some of the circumstances attending this case. This gentleman's father purchased this estate in 1721, under the idea of its being only encumbered with a payment of 15*l.* per annum; and at the end of half a century, a claim is made which will considerably lessen its value; and what still causes additional aggravation is, that the present appellant and his father have expended above 8,000*l.* in improving the estate; so that a man may sink his whole fortune in improvement, and be permitted to do so, and by this doctrine it may go on from father to son successively for a century and a half; and when the wild or waste is brought into a state of cultivation, then some dormant claim is set up, whereby the person or family may be at once stripped of the fruits of their industry. His lordship, therefore, said, that if a motion had not been already made by the noble and learned lord on the woolsack, he should move for reversing both orders, but at all events he should give the latter part of it his hearty negative.

The Earl of *Denbigh* said, that the principles of the Revolution were strongly in favour of juries, and that he should never sit silent, and hear it as a doctrine not to be departed from, that the judges were to determine when juries did, or did not, perform their duty; that however high a respect he might entertain for the learned judge who tried the cause, or deference he might be willing to pay to his opinion on matters of mere law, he should never countenance any thing which might seem to have the most distant appearance of granting new trials on slight occasions, or giving the judges an indiscriminate controul over juries. No man respected the church more than he did, or wished more sincerely for the preservation of her just rights and privileges; but he believed, if such vexatious claims as the present were set up and pursued, the nation at large would find itself under a necessity of procuring a *nullum tempus* law, to secure their property against the encroachments of the church, as it had been on a recent occasion against those of the crown.

The Archbishop of *Canterbury* (the hon. Frederic Cornwallis) said, he by no means agreed with what fell from the noble

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earl: and as for the noble lord who spoke before him, he presumed to say, he was mistaken; for the composition which he said took place in 1601, was of no longer standing than 1707; and to go no further into the argument, the difference between both compositions was the fullest proof of the non-existence of either as an antient composition; because, if it could be so construed, the composition at both periods must have been the same; whereas the former was 10*l.* and the latter 15*l.* the strongest proof in the world with him, that they were made according to the real value at the respective periods.

Lord *Le Despencer* answered, that it mattered very little what was the composition at one time, compared with what it was at another; but a prescription or usage of 60 years, from 1704 or 1707, to 1767, satisfied his conscience (all the other circumstances of a *bona fide* purchase, and money expended in improvement considered, with the total non-performance of duty, and abstinence of all the functions on which the respondent could only equitably claim the tythes or ecclesiastical dues) that the present composition was a good one, and should be sustained by their lordships.

The Archbishop of *Canterbury* replied, that the question in his opinion was simply, whether the Act of the 13th Eliz. since which no composition could have taken place, should determine their lordships. He therefore called upon some noble lord, learned in the law, to rise and direct the judgment of the House, in a matter which seemed at present to be controverted.

Lord *Mansfield*, after assuring the House that he did not mean to give a vote, as he had not attended on the two first days, said, he was astonished to hear such doctrines laid down, as persons' consciences being satisfied in direct contradiction to an express statute. He insisted, that any determination formed on such doctrine would be monstrous, would be iniquitous. I do not pretend to say, continued his lordship, whether the composition contended for is not more ancient than the reign of queen Elizabeth; but will any lord in this House, at this time of day, rise and tell me, that a composition of 60 or 174 years, or even an hour later than the passing of the statute of the 13th Eliz. will legally or equitably defeat the intentions of that statute? No, I hope I shall never hear so wild, so dangerous a doctrine seriously maintained. What, my lords, would be the consequence of such a procedure? Why, that we sitting here in our judicial capacity, should, by one single determination, abrogate all the laws of the land; for if we can do it in one instance, cannot we clearly do it in every other? There is an express statute passed in the 13th of queen Elizabeth, which positively nullifies every agreement made by an incumbent, which may injure, nay bind, his successor; and are we to alter the laws of the land, because from some particular instances we are induced to think and feel our consciences satisfied? No; if it be an hardship which may extend in a variety of instances so as to become a real grievance, let the legislature remedy it, let a Bill be brought in to prevent the mischief; but let us not, under the appearance of equity and justice, by a vote of this House, overthrow all law and justice, and by averting one evil, introduce ten thousand others of infinitely greater magnitude.

Lord *Camden* informed the House, that as he did not attend till the second day, he should give no vote on the occasion; he should never be the first to introduce so fatal a precedent, should it ever come to be adopted, as giving a vote without personally attending from the beginning to the end. His lordship complimented lord Mansfield highly on the part he had taken, as the great patron of the common law. He expatiated largely on the sentiments thrown out by the noble and learned lord; after which he confined himself chiefly to two points: the first to prove, that there was no composition; for that the sum paid was always fairly equivalent to the value of the land, even to the very last composition, in the reign of queen Anne, when the lands in question were rated at 104*l.* per annum, and the composition was 15*l.*; the second, to shew, that whenever a *nullum tempus* Bill should pass, respecting the possessions of the clergy, from that instant there would be a foundation laid for stripping her of her inheritance, as things might be easily managed between the patron and incumbent, so as that in two ordinary successions, the patrons, in whose gifts the livings are, might settle matters with those who might be glad to accept them on any terms; that compositions might be set up within a period of sixty years, sufficient to strip the church of more than one half, or two thirds of the real value of the livings she now possessed.

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The question being put on the Lord Chancellor's motion, it passed in the affirmative, without one dissenting voice.

Debate in the Commons on bringing in the Bill for restraining the Trade of the Southern Colonies of America.] March 9. The House having resolved itself into a Committee on the Papers relative to the Disturbances in America,

Lord *North* moved, that the Chairman be directed to move the House, "That leave be given to bring in a Bill to restrain the trade and commerce of the colonies of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, to Great Britain, Ireland, and the British islands in the West Indies, under certain conditions and limitations." He said, as the southern provinces had acceded to the non-importation and exportation agreement, it would be manifest partiality not to make their punishment the same as the northern provinces.

Lord *John Cavendish* little expected to see another Bill of the same tendency with the last so soon make its appearance: but he should endeavour to frame his mind so as that nothing should surprise him.

Sir *W. Mayne* was no less astonished, as he understood from the noble lord, that he meant to proceed no further, till it should be known what effect the former Bill would have. He thought the present an irritating measure, from which no salutary consequence could be expected.

Mr. *Hartley*, after lamenting the fluctuating state of our public councils, observed, that a few days ago, nothing was echoed from the other side of the House but plans of conciliation, of moderation, and concession. In all probability, said those gentlemen, though all the colonies should not consent to tax themselves, or break the non-importation and non-exportation agreement, some of them certainly will, and destroy the confederacy, the refractory with very little struggle, must submit. Now, what is the language? Drive the whole continent of America into despair; hold out no temptation to the moderate and less offending, and that is the sure way to restore peace and harmony, to recover our commerce, just on the verge of destruction, and to reconcile them cordially to our government. He said, he had been informed that lands on the confines of Virginia had been ceded at the conclusion of the late Indian war, which cession had been divided into 22 shares; and that those shares had been sold. Not intending to reflect upon the noble lord (Dunmore) who must have had the principal hand in that business, or upon any other person in particular, he wished for information whether the facts thus confidently reported, were true.

Lord *North* gave no answer, but defended the propriety of the Bill now moved for. The former Bill was only against a part of America; this against the remainder. He did not recollect that he had ever said he would wait to know the event of the first Bill, before he proposed another. As the colonies had come to an agreement to carry on no trade whatever with Great Britain, Ireland, or the West Indies, he was clearly of opinion, that it became indispensably necessary to restrain their commerce, and prevent them from trading with any other country.—Leave was given to bring in the Bill.

Debate on a Motion for a Bill to enable Members of Parliament to vacate their Seats.] March 15. Mr. *George Grenville* said: It has been frequently urged, Sir, and indeed with some justice, that no parliament ever made the provisions equal to those agreed to by the last, for a system of parliamentary independence in this House. At least, Sir, I am not the man to reprobate it, or to endeavour to take from them any part of the merit which they, on that head, are so justly entitled to. If, however, there should be any part of that plan imperfect; if, from the exigency of the time, or indeed from any other reason, they were not enabled to pursue that system to the utmost, we, their successors, must feel it incumbent on us to give it due consideration, and, in the discussion of it, we should adopt it as a legacy entrusted to us; and we are well justified in assenting to any feasible system, however weakly the great arguments for it may be urged, however unequal may be the abilities of him who moves it, however light his authority, however great his inexperience. The evil of which we now complain lies within a very short compass: I will not, therefore, detain you long in stating it. It will not be denied me, that there are many situations, in which a member of this House may wish to resign his trust into the hands of those from whom he held it. I know that here I tread on the most tender ground, when I attempt to define the relative duties of constituent and representative, or when I

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state a situation in which we can be justified, in refusing to lend our services to the public, and to this House: the position, however, which I lay down, and which I must prove to the satisfaction of the House, is, that there are situations in which, so far from acting dishonourably or unworthily, a member would justly deserve both these imputations, did he not avail himself of every legal means of divesting himself of his trust. Need I, Sir, remind this House, of the instances we daily see, of the old members, to whose services and attentions we have been so much obliged, exhausted in their attendance on this House; they may feel themselves unequal to their eager wishes, in performing the duties incumbent on their station; the vigour of their mind impaired, the strength of their constitution sacrificed to their services, what must be their wish? Ripe in years, and ripe in honours, they wish but for a few tranquil moments, preparatory for the grave. A second situation may occur, in which a member may wish for any honourable means of vacating his seat; when called upon by motives of interest, conveniency, or perhaps nobler motives, he may employ the power of his life in active foreign service, of a nature which may not vacate his seat under the present system. Will it not, Sir, embitter those moments, perhaps otherwise happy, when he reflects, that the only return which he can make to the kind partiality of his constituents, which placed him here, is to deprive them, by his absence, of their share in the representation? Allow me, Sir, to name a third, which is, indeed, of a much more serious nature: let us suppose a member possessed of the qualifications requisite for the seat he takes; by accident, or indeed for provision for a helpless family, or for any other motive at his option, he may be reduced to part with that qualification; scruples of a conscientious heart may suggest to him the necessity of surrendering a seat, to which, in my construction of the Act, from that moment he can have no claim. I confess the case is not likely to happen; but as long as it is possible, I have a right to use it to my argument. Having, Sir, stated these three, out of a great variety of situations, where it is expedient and proper for a member to wish to divest himself of his trust, I shall, in a few words, state the only method which at present can be taken for these purposes. The Place Bill was originally meant as the great security to independence in this House, by giving to the electors the power of rejecting those who might appear to them to have accepted employment, on dependent principles. By the abuse of the times, this has been long since perverted to very different and unconstitutional purposes; for it is under this Bill, that members, wishing to vacate their seats, solicit the favour of the minister. As this is the first time that I have named the minister, I owe it to myself to declare, that in this motion I disclaim all personal attack; it is founded on a great constitutional line, without conveying any reproach to the noble lord at the head of the Treasury; should I, therefore, have occasion (which I am persuaded I shall not) to quote cases, in which this courtesy of the minister has been refused, I shall confine myself to instances in a more remote period. To remedy this evil, it is proposed, with the greatest deference to the opinions of this House, to enable the members to vacate their seats, by signifying their wish to the Speaker, under certain regulations. Nor, Sir, is this idea entirely new; it is a part of the ancient constitution of this House, which, I hope, the following precedents, extracted from your Journals, will sufficiently prove. [He here quoted a multitude of precedents to prove, that, from the year 1575 to 1609, it had been the invariable practice of parliament, to issue new writs in the room of such as were sick, or on actual service.]

I should entreat the pardon of the House, for detaining them so long on the subject of precedents, were they not necessary to shew, that this motion, if it succeeds, will only bring our parliamentary constitution to its former system. I have not quoted many instances where seats have been vacated by foreign service; the reason is not from want of precedents, but from the too great abundance of them, which, to say truth, almost universally contradict each other on the face of your Journals. I stand, however, in the judgment of the House, who will, I doubt not, agree with me, that in these two situations the practice of ancient times has been invariable. I shall only trespass further on the indulgence of the House, to consider shortly what may be the objections. The first will probably be, that it retrenches the prerogative of the crown. I will answer it in one word, that I know of no prerogative which can dispose so arbitrarily of a seat in this House. A second

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may, indeed, be of a more serious nature: it may be urged, that we fail in our duty to our constituents, by dissolving the great reciprocal tie between us; that from the moment of our return to parliament we are the indentured servants of the public. In answer to this objection, which is indeed on very delicate and tender ground, let me ask any hon. gentleman who uses it in argument, whether this consideration ever weighed one moment with any man, who wished to vacate, under the present system. The only difference then will be, that we shall be constitutionally authorized to adopt a measure, which at present we are forced to conceal under a false pretence, and by a mean evasion; and even this, Sir, is dealt out to us as a courtesy of government; and I appeal to the independent feelings of many who hear me, whether this consideration is not alone a sufficient reason for the present motion. It may be urged, that it is ill-timed. Allow me to say, that no time could be ever so opportune; and this argument I ground on the candor of the noble lord opposite to me. He has, as I am informed, (for I am but young in parliament) declared his resolution of never refusing this courtesy to any member, of any party. I will do him justice in supposing that he took that determination from the consciousness of the possible misuse of the power lodged in his hands. Whatever were his reasons, they will all operate strongly to determine him, to give that support to this motion, which I am sure he will, from knowing how much some future minister may misapply this power. I move, Sir, "That leave be given to bring in a Bill to enable the Speaker of the House of Commons to issue his warrants, to make out new writs, for the choice of members to serve in parliament, in the room of such members as shall signify to him their desire of vacating their seats in this House, under certain regulations."

Lord *Bulkeley* seconded the motion, on the same principles.

Mr. *De Grey* opposed the motion; said he did not approve of it, and that the power should remain where it now is, of granting leave to vacate the seat.

Lord *Folkestone* observed, that the present constitution of vacating seats was not interwoven in it, but had crept into it of late years, by a strange perversion of an act of parliament; but that if even it had been of older date, yet the time had made an entire difference in the constitution of the House of Commons. That when the members received wages from their constituents, and the service of parliament was a burden people did not wish to bear, it might have been very improper to have given them such power of quitting their station; but that at present the case was altered, and so far from being a burden it was an honour every person wished for, and no sooner was a vacancy declared for any place, but fifty candidates were ready to start.

Mr. *Welbore Ellis* observed, that he always had a dislike to doing any thing which altered the constitution; that it was opening a door which would perhaps let in fresh innovations; that in the present instance no one had said in defence of the motion, that the present time called for such a measure, as the minister had been complimented on the readiness with which he granted the Chiltern Hundreds; and as that was the case, he could see no present necessity on speculative opinions to adopt a measure our forefathers had never thought of. He should agree to the motion if it could be shewn there was any necessity for such a Bill at this time.

Mr. *Bayly* said, he knew not whether he should be able to convince that right hon. gentleman who held so lucrative an office under government, but if the House would indulge him with leave to lay before them a few plain facts in which he himself was particularly concerned, he made no doubt but many other gentlemen would see the indispensible necessity of such a regulation as was intended by the present motion. He then informed the House, that though he had now the honour of being representative for Westbury, the place of his nativity, yet he had first offered himself a candidate for Abingdon, where being opposed by a gentleman who was sheriff for the county, he petitioned the House against his return, as being from his office ineligible; that the select committee, in conformity to the great trust reposed in them, declared the election to be null and void; that the moment the determination of the committee was known, he resolved upon offering himself again, as he was well assured that his interest in the borough was considerably strengthened since the last election; but before he set out, he consulted many of his friends in the House, to know whether he was likely to meet with any difficulty in vacating the seat he now possessed, and

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was assured by them all, that he need be under no apprehensions on that score, as the noble lord at the head of the Treasury had declared to the whole House, on other occasions, and particularly in the case of colonel Luttrell, that he never did nor ever would refuse any of the vacating places to any gentleman who should apply for them, whatever side of the House he should happen to be on, and that this was his constant rule in such cases. In full reliance, therefore, on so ample a declaration, especially from a minister who was so frequently boasting of his word in that House, he posted away directly for that borough, as no time was then to be lost, his opponent having gone before, and as soon as he got there, he applied to the minister, through a noble friend of his in town, for one of the vacating places; but to his inexpressible astonishment, an answer was returned by the minister to his noble friend, directly contrary to the above declaration; and as the letter containing that answer was not to be considered in a private, but of a public and very interesting nature, he begged leave to lay it before the House. [Mr. Bayly then read the letter, in which was contained the following paragraph; "I have made it my constant rule to resist every application of that kind, where any gentleman entitled to my friendship would have been prejudiced by my compliance. Mr. Mayor would, therefore, have just occasion to complain of my conduct towards him, if I should make his case an exception to my general rule."] Mr. Bayly, after having read this letter, made no comment upon it, as thinking none necessary; but only applied it to the subject in debate, by submitting it to the House, whether such an example from such a minister did not clearly demonstrate the necessity for the regulation proposed.*

Lord *North* owned that he had written that letter, that if there was any blame in it, it ought to be thrown on him, and he was censurable for it; that the power being vested in him, he was certainly answerable for the abuse of it. He then severely censured the noble lord to whom he had written that letter, and Mr. Bayly for producing and reading it in the House, as a breach of common decency and confidence; however as there was nothing blameable in it he had no objection to the producing it. That he had made it a rule never to grant an opportunity of this nature to any person to oppose his friends. That especially in the present case he was more averse to it, as at the general election Mr. Mayor had the majority of votes, and was only rejected as being sheriff at the time. That there was all the reason to think that if he had set Mr. Bayly at liberty, it would only have been a vexatious opposition. That he was not personally known to Mr. Mayor, but then that gentleman had intitled himself to his friendship by shewing himself a strenuous supporter of the honour and dignity of this country, in concurring with the present American measures. He denied that he had ever made a promise to grant the Chiltern Hundreds to any member who should ask for them.

Mr. *Fox* said, he had doubts how to vote on the present question. That he did not approve much of opening a door to innovations in the constitution; but on the other hand, as the minister had shewn so declared a partiality for those who voted with him for American measures, if any thing he was inclined rather to bring in the Bill. He was severe on lord North's

* Shortly after this debate, the following Letters were laid before the public:

"My lord; *Hill-street, Thursday.*

"Having this moment received a letter from Mr. Bayly, desiring me to present his respectful compliments to your lordship, and to request you'll permit him to vacate his seat for the borough of Westbury, by immediately granting him the Chiltern Hundred; I flatter myself your lordship will excuse my giving you this trouble. I am, my lord, &c.

"ABINGDON."

"Mr. Bayly is now contesting afresh the election at Abingdon, with his late opponent Mr. Mayor."

"*Downing-street, March* 9, 1775.

"My lord;

"It gives me great concern that I am not able to comply with Mr. Bayly's request. The cases have certainly been very few, in which I have excused myself from granting vacated offices to members of parliament; but I have made it my constant rule to resist every application of that kind, where any gentleman entitled to my friendship would have been prejudiced by my compliance. Mr. Mayor would, therefore, have just reason to complain of my conduct towards him, if I should make his case an exception to my general rule. I trust in your lordship's equity, and in Mr. Bayly's, that you will think me well justified in declining to obey your commands upon this occasion, which I assure you I shall do with great pleasure, whenever it is in my power. I am, &c.

"NORTH."

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friendship, which he observed he had eluded in the present letter, by calling it "persons entitled to his friendship."

Mr. *Rigby* urged how inconvenient it might be for members to have a power whenever they pleased, to desert the service of the House. He instanced the famous secession in sir R. Walpole's time, and observed, that if it had been in their power to have vacated their seats altogether, it might have been attended with the inconvenience of an almost general election; that if on any popular question the members of London and Middlesex were to vacate at once, even that might be attended with great commotion.

Mr. *Burke* ridiculed the notion of the danger that might accrue at a moment of discontent, if a whole party should resolve all at once to surrender their seats, and create a sort of general election; at the instant that men's minds were inflamed and agitated, it would, he said, be a strange and unheard of revenge upon a minister, for his enemies to put themselves to the expence, trouble and risk of new elections, and very different from the conduct of those who made the secession in sir R. Walpole's time, whose standing aloof might have drawn the public attention, and consequently have raised an alarm in the minister. He did not however run the whole line of the proposition, and seemed to own the inconveniences of leaving it to every man's own discretion to vacate his seat when he pleased: but thought it enough to leave a member at liberty concurrently with the possession of his seat, to offer himself at any other place, and then be permitted to make his choice for that place if he succeeded, just as was now done, and was done by himself in this parliament, being chosen for two places; which mode was, he seemed to think, liable to none of the inconveniences of every man's vacating at his own discretion; but as the progress of the Bill would admit every man to offer such plan as he chose, in order to obviate the present mischief of a power in the minister to give undue preferences to his own friends and favourites, he declared strongly for bringing in the Bill, on the principle that lord North had laid down, as meaning to give it as a reward to those only who voted with him in the American measures. He said the House would not have borne at any time, and ought not to bear, that every minister would dignify his own measures with the honourable epithets of serving the public. He was as severe upon, and as strongly reprobated the American measures as lord North had applauded them; and insisted that lord North in holding that language had held this out as one more douceur for those who would support him in that ruinous and mad career of violence that tended to alienate the colonies.

Sir *George Savile* said, that in his opinion it would have been almost criminal in Mr. Bayly to have kept the letter secret. He had no knowledge of Mr. Bayly, but should hereafter greatly esteem his conduct in bringing the letter forward. It was not of a private but a public nature. He turned the arguments used by lord North and Mr. Ellis against themselves.

Lord *John Cavendish*, on the same side and nearly to the same purpose, thought Mr. Bayly could not dispense with secreting the letter.

Mr. *Bayly* had thought it his duty to mention to the House these facts: if lord North had granted the Chiltern Hundreds, there would have been another member for Abingdon.

Sir *J. G. Griffin* observed, that many arguments had been used by the hon. gentleman (Mr. Rigby) not very fairly he thought, to shew the improprieties of a Bill not yet existing; and which, if hereafter found in the Bill itself, might be very good reasons to urge for not passing it, but would be none in the present case. He should therefore be for introducing the Bill, to see if it could not be so framed as to remove the present inconveniences, without incurring greater.

Mr. *Acland* was for the question, but observed that the arguments of Mr. Rigby were so forcible, that unless obviated, he should perhaps vote against the Bill.

Colonel *Barré*, in a jocular manner, closed the debate. He observed, that though the noble lord had refused Mr. Bayly on his late application, yet he durst say that if he would now apply a second time, the noble lord would immediately give him the Chiltern Hundreds; he would not have the minority think this favour would be always granted to the friends of administration and denied to them; he remembered when it had been granted to the gentleman who sat next the noble lord (Mr. Wedderburn) and yet if that gentleman was now to apply for it, he had no doubt it would be denied him; that as the noble lord had declared the supporters of the present American measures to be those who were intitled to the noble lord's

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favours, he would propose to him an accommodation they could have no objection to, namely, that he should give all his valuable places, pensions, &c. to them, and those of little or no value, as the Chiltern Hundreds, to the opposition. He asked, was the letter marked 'confidential?' was it a private letter? It was not. The letter was of a public nature, and therefore the hon. gentleman was bound to read it.

The House divided. The Yeas went forth.

Tellers.

Yeas	Mr. Grenville - - - Mr. Thomas Townshend	126
Noes	Lord Lisburne - - - Mr. De Grey - - -	173

So it passed in the negative.

Debate in the Lords on the Bill for restraining the Trade and Commerce of the New England Colonies.] March 15. Two petitions were presented against the Bill; the one from the corporation of London, the other from certain merchants and traders to North America, who conceived their interests likely to be affected by the operation of this Bill. After the sheriffs had presented the petition from the corporation of London,

The Marquis of *Rockingham* observed, with regard to the city petition, that it originated from a body, the members of which demanded every attention, on account of their official respectability. The petition of the merchants and traders, his lordship did not conceive stood in need of the collateral aid of oral evidence, which, however, was ready to be produced at the bar if the House deemed such evidence necessary. The general principles of the Bill he inveighed against, as so many glaring infringements on the constitution, and consequently fraught with every political evil to be apprehended from despotism in the extreme.

The Earl of *Sandwich* entirely dissented in opinion from the illustrious marquis, he wished that evidence might be called in support of the allegations contained in each petition, for as he was confident that most of the noble lords present were either partially mistaken in, or wholly misunderstood the nature of, the American fishery, his lordship proposed on the part of the Bill to have such evidences called as in his opinion would elucidate the several facts, and communicate that species of information necessary for the House to be possessed of, previous to the commencement of debates on the merits of the Bill.

The House concurring in sentiment, evidence was agreed to be called, and the names of the witnesses being proposed,

Lord *Camden* delivered it as his opinion, that to save the House trouble, and afford every possible information to the members, each witness in support of the allegations contained in the petition of the North American merchants, should have such questions propounded to him by Mr. Barclay, who had signed the petitions, as he might think tended to throw light on the subject. Lord Camden observed, that the House of Commons had adopted this method, and as for his part he professed himself entirely unacquainted with the subject; he should be happy in having a sensible man propose such trading questions as might be most likely to obtain from the several evidences the information required.

The Earl of *Suffolk* declared, that what had fallen from the noble lord who spoke last, contributed more than any thing to confirm him in the vote he should give, for that the other House had permitted Mr. Barclay to question the evidence, was the very reason why he would wish to reprobate the adoption of a practice which stood unsupported by a single instance recorded in the Journals of the House. His lordship therefore was for having the questions proposed in the usual mode by the House.

Lord *Camden* retorted, that as precedents, if good, merited every respectful attention, he sincerely hoped the House would not reject the adoption of a particular mode, merely because the Commons had thought fit to accept it in the examination of witnesses at their bar.

The Duke of *Richmond* was strenuous for finishing the altercation, by observing, that if the House really wished for information, the most likely method to obtain it, deserved the preference; and, in the noble duke's opinion, it would much better answer the proposed end, to have Mr. Barclay primarily propound the questions, than that that House should propose them at second hand. If, however, the latter method was agreed on, the noble duke was ready to acquiesce, although it would detain the members longer from that dinner, to which their hunger, betrayed in their petulance, stimulated them to repair.

The House rejecting the idea of Mr. Barclay propounding any questions to the

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evidence, it was agreed, that the usual forms of the House should be observed.

Then *Seth Jenkins*, a Quaker, was called in, and, upon his affirmation, acquainted the House, "That he was a mariner, and is well acquainted with the island of Nantucket: that the number of inhabitants upon the said island is between 5 and 6,000, who are almost all employed in the fisheries: that the number of vessels belonging to the said island is 140 sail, eight of which are employed in the coasting trade, and the rest in the fisheries: that the said island is about 15 miles long, and 3 broad; distant from the main 7 leagues: that it has but one harbour: that the produce of the said island will not maintain above 20 families: that nine tenths of the inhabitants are Quakers: that the vessels employed in the whale fishery sail at all seasons: that the limits of the whale fishery extend to Falkland's Island and the coast of Africa: that their fishing vessels are generally 12 months on their voyage, sometimes 14 months: that this island is supplied with corn from the provinces of Carolina, New York, Virginia, and Rhode Island: that it is supplied with manufactures from London: that all their oil comes to Great Britain, except a little, which is consumed in the colonies: that if the inhabitants of this island are restrained from fishing, they would wait quietly till the Act was repealed, but that they could not subsist above a month: that the inhabitants might be under the necessity of removing from the island, but would not go to Halifax, it being a military government: that the vessels from England employed in the whale fishery have little or no success in it, owing to their not understanding it: that this island formerly belonged to the province of New York, at present it belongs to Massachuset's Bay: that no other men would, if trade is stopt, carry on the whale fishery, as they do not understand the nature of it: that the people of Nantucket, if their fishery is stopt, would not get employment from others: that their craft would be entirely lost, as they could not get purchasers for them: that the lands in Nova Scotia are in general very barren, except some in the Bay of Fundy, and some German settlements: that the lands in the Bay of Fundy are fertilized by being often overflowed: that the inhabitants of Nantucket are supplied with their materials for the fishery from London: that they have no stores laid in: that the non-importation agreement in America would stop the fishery in time: that the only materials for building their fishing vessels got from London, were sails and rigging: that there is an Act which prevents the pressing of the men employed in the New England fishery: that the money arising from this fishery amounts to about 330,000*l.*: that the Quakers are of a peaceable disposition, and did not send any delegates to the congress: that they chuse but one representative: that they drink tea: that they were no ways concerned in the destruction of the tea: that they reside chiefly upon the island, and are no great politicians: that he never heard of any persecution at Halifax on account of religion, but has heard formerly of persecution on account of religion at Massachuset's Bay: that though the people of Nantucket would not by choice go to another part of America, where the trade was restrained, yet they would prefer going there rather than to Halifax: that these people have not entered into any combination not to import goods from Great Britain, and that they think this Bill will restrain them from fishing after the 1st of June next." Whereupon the clause in the Bill relating to the island of Nantucket was read in the engrossed Bill, whereby it appeared that some words having by mistake been omitted in the printed Bill, was the reason of the witness's being of opinion, that this Bill would restrain them from any fishery after the 1st of June next.—The witness being further examined, acquainted the House, "That there are very few others than the islanders who have any shares in their fishery: that if the Bill passes they will not be able to get any provisions, without which they cannot carry on their fisheries: that the provinces of New England and Massachuset's Bay have no superfluity of provision to supply them with: that New England is supplied with provisions from Baltimore, Pennsylvania, and Carolina: that provisions were sent to the army in the last war from Connecticut: that there is not a sufficiency raised in New England for their own consumption: that they supply the West Indies with live cattle, and can supply Nantucket with beef and pork, but not bread, not having sufficient for themselves: that Newfoundland is supplied with provisions from New York, Jersey, Pensylvania, and Maryland: that one reason of their wanting provisions, is the great quantity consumed in the

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fishery: and that so many men are employed in the fisheries, that there are not enough left at home to cultivate the land, but if not employed in the fishery might, in time, be able to raise more provisions: that if the people of the continent would or could send them provisions, they would have no money to pay for them if the fishery was stopt, but if it is not stopt they could pay for them: that there are many sheep raised on the island of Nantucket: that considerable quantities of oats and Indian corn are sent from Massachuset's Bay to the West Indies."

Mr. *Brooke Watson* acquainted the House, "That he was an American merchant, and well acquainted with the fisheries in North America: that he had been examined at the bar of the House of Commons on that subject: that in his passage to North America, in 1766, he made out a State of the American fishery in 1764; which State he carefully corrected from the best information on his arrival in North America;" and then produced the said State. He then acquainted the House, "That the American fisheries were much increased since 1764: that remittances were received for American fish from Spain, Portugal, and Russia: that large quantities of New England rum are sent to Quebec, for which they return money, bills of exchange on merchants in London, and some wheat: that it was too copious a subject for him to enter into a detail of the general state of trade between Great Britain and America: that his account of the exports from Great Britain to America was made up about the time of passing the Stamp Act: that a committee of merchants being appointed to draw up a state of the then trade between Great Britain and America, each merchant wrote the amount of his exportation from Great Britain upon a piece of paper, but did not sign his name to it, and put it into a box, and the whole amount is specified in the paper he had delivered in, or as near as could be: that the merchants here generally deliver in at the Custom-house an invoice of one third more than is really shipped, and that no officer of the customs can make an exact estimate of what is exported to America: that the people of North Carolina cannot afford to clothe themselves so well as those of the other provinces: that he never was at the island of Nantucket, but that he knows there is a trade carried on from there in fish: that four of the provinces in New England do not raise bread sufficient for their own consumption, and that he has known great quantities of bread sent to Boston from London and New York: that he does not know of any immediate substitute for bread the people of Nantucket could eat: that if the fishery is stopt, the men employed in it cannot turn their hands to any other business: that the restraint upon the Nantucket whale fishery is taken off by a clause in the Bill: that he don't know if any other persons are concerned with them in their fishing ships: that they have all the materials for building their ships from England, except timber; that the indulgence given by the Bill to the people of Nantucket, he fears, will be of little consequence to them: that the Americans pay for the goods from Great Britain by the profits of their fisheries, and by the money they get for the ships which they build in America, and load with goods for the West Indies, where they receive sugars for their goods which they bring to Great Britain, where they and the ships are sold: that if the Bill passes, the Americans cannot make any returns to Great Britain for goods, nor pay the debts they now owe: that the merchants in London are not concerned in the property of the American fisheries: that the people of Nantucket cannot be supplied with flour from Quebec, because at Quebec they have only a number of mills sufficient to grind corn for themselves, but that they may have a supply from other provinces: that the weather is so severe at Quebec that the mills cannot work above seven months in the year: that he can't tell, if the other provinces in America should return to their allegiance, whether this Bill would affect Nantucket: that by this Bill, the people of one province being made answerable for another, Nantucket will not receive her usual supply of sustenance: that though the inhabitants of Nantucket are the obedient subjects to the laws of this country, and are, and have been, acting with all possible precaution, yet they must suffer on the account of others who may be refractory."

Mr. *Benjamin Lister* acquainted the House, "That he was a merchant adventurer in the Newfoundland fishery for 38 years: that he goes to Newfoundland every summer, and is a large dealer in that trade: that he thinks, that if the American

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fishery was stopt, the foreign markets might be supplied with fish from Great Britain alone in future, and in part this year: that the principal ports in England from whence the Newfoundland fisheries are carried on, are Pool and Dartmouth, that 400 sail are sent from Great Britain, the tonnage of which amounts to 36,000 tons, and 2,000 shallops, making 20,000 tons more: that 20,000 men are employed, 12,000 of which return to Great Britain and Ireland: that they are obliged to carry out every year one man in every five, who is what they call a green man, or one who has never been at sea before, by which means the British fishery raises 3,000 fresh seamen every year: that they catch about 600,000 quintals of cod fish, which, for about seven years, has sold at 14*s.* the quintal: that the quantity of salmon caught amounts to about 3,000 tierces, at 6*l.* 5*s.* the tierce: quantity of cod oil 3,000 tons, at 23*l.* per ton; seal oil 800 tons, at 25*l.* per ton: that they get few seal skins, the duty upon them here being so high as to be almost a prohibition of the importation of them; but the New England people are exempted from the payment of any duty upon them: that the returns from abroad for the produce of the British fishery is made in raw materials, Barilla oil, and some specie: that the net produce of the British fishery amounts to about 500,000*l.* all which centers in Great Britain: that all the materials of the ships employed in this fishery are bought in Great Britain: that the greatest part of the profits arising from the American fishery centres in America: that in war time the British fishery is not carried on with the same advantage as the New England fishery, as the New England fishermen are exempted by act of parliament from being pressed, which the British fishermen are not: that the Act of king William don't prevent the Americans from fishing on the bank of Newfoundland, but only from drying their fish on shore: that he don't know if the whole fishery, including the whale fishery, could be carried on by Great Britain only: that the Newfoundland fishery carried on from Great Britain is the beneficial nursery for seamen: that he would not have the fishery confined only to the ports of Pool and Dartmouth, but would have it confined to Great Britain only: that if the American fishery was stopt, other places in Great Britain besides Pool and Dartmouth would engage in it: that the French would gain no share in it more than they have, as their fisheries are bounded: that it would increase the number of British and Irish fishing vessels, and consequently increase the number of British seamen: that the best-dried fish are best for the markets, and there are different markets for all the different sorts of fish; the Italian market is for small fish: that in time the British fishermen would be able to equal the New England fishermen, in curing fish for the Bilboa market: that in 1773 there was more fish caught than was wanted, and that the markets were glutted: that England can supply half of the fish for the American markets this year: that the French can only supply themselves: that he can't tell whether New England can sell fish cheaper than Great Britain, but that they can afford to sell it cheaper: whoever comes first to the banks has the right of drying: that if New England was restrained for ever from this fishery, it would be a benefit to Great Britain: that he buys 300 hogsheads from New England every year: that he thinks if New England was deprived of their fishery, they would not be able to import goods from Great Britain: the ships from Great Britain to Newfoundland now employed make but one trip in a year, but may make two in future: the British fish sell for one pound a ton, the American fish from 14*s.* to 20*s.* per ton."

Mr. *George Davis* acquainted the House, "That he was a Newfoundland merchant, and had been in that trade for 24 years: that if the New England fishery was stopt, the foreign markets might partly be supplied this year from Great Britain: that the French cannot increase their fishery on the coast; and that their fish are not approved of at market, not being so well cured as ours: that of late years the New England fishery is much increased, and the British fishery very much decreased: that the British ships employed in the Newfoundland fishery are generally about 200 tons burthen, and their number of hands is one man to two tons: that the ships employed in the New England fishery carry but twelve hands each: that the New England fish are as good as ours, but not fit for the Italian market: that the greatest part of the profits of the New England fishery centres there, but a small part is returned here for the manufactures of this country: that the New England fish sometimes bears a better price than ours: that the foreign markets might be

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supplied entirely from Great Britain if the New England fishery was stopt: that it is not more expensive to send ships from Great Britain than New England: that the New England men have more wages than ours: that they begin to fish sooner than we, but it is very little advantage to them: that our men entering on board their fishing ships is a great hurt to the British fishery: that the witness's trade is from London: that if this Act should pass, he should reap benefit from it: that he has already enlarged his capital, and shall enlarge it more if the Act passes: that the time of the New England ships getting to market depends upon the seasons: that they get something sooner to the markets, except the Spanish markets, than the British ships: that he knows no other reason for the Italians preferring the small fish than their pride, which makes them prefer the having one whole fish at table rather than a piece of a large fish: that though all the men carried out in the British ships are not employed in navigation, the greatest part of them going out to be employed in the fishery; yet all that are carried out return seamen: that a New England ship of 200 tons carries about fourteen or sixteen men, and has no boats: that a British ship has but one boat, the men being distributed in the shallops for fishing."

Molyneux Shuldham, esq. acquainted the House, "That he has been governor of Newfoundland for three years: that the quantity of cod caught last year amounted to 759,877 quintals, at 9*s.* a quintal: that the number of men employed in this fishery amounts to 23,652, all of whom become sailors: that he has had great complaints of the outrages committed by the New England crews employed in the fishery: that they cannot take any seamen out of the New England ships, but that a great many are got out of the British fishing ships: that the New England ships carry on an illicit trade with the French: that they load with provisions and lumber, and go to meet the French ships at sea: that they sell them ship and cargo, and take French manufactures and India goods in exchange: that the New England ships carry provisions to the French at Miquelon and Saint Pierre, and he supposes they must have a superfluity of provisions: that they supply the French fishermen with flour from Indian corn: that numbers of our seamen desert to the New England ships: that the New England seamen are not so good seamen as ours: that in the last war very few of them were employed on board our men of war, perhaps there might be six or ten of them on board a man of war of 60 guns: that if this temporary restraint on the New England fishery was made perpetual, it would be a benefit to Great Britain."

Sir *Hugh Palliser* acquainted the House, "That in the year 1768 he was governor of Newfoundland: that the number of ships then employed in that fishery was 389, shallops 2,109, the tonnage of which amounted to the number of men 19,198: that this fishery is the best nursery: that the men are better for the men of war than those taken out of the colliers: that it would be impossible to man a fleet but in a great while, if it was not for the men they get from the Newfoundland fishery: that few or no seamen are got from the New England fishery: that if the New England fishery was entirely stopt, the French would not be benefited, as the English are in possession of the markets: that he does not know any thing about the island of Nantucket: that whether the restraining of the New England fishery is temporary or perpetual, it will be an advantage to Great Britain: that the fishery might be carried on from Great Britain, Ireland, Jersey, and Guernsey, which would greatly encrease the nursery for seamen: that the New England ships carry provisions to Saint Pierre and Miquelon: that the New England fishery would be an advantage to Great Britain, if there was a power given to press their men."

March 16. The Earl of Dartmouth moved that the Bill be committed.

The Marquis of *Rockingham* opposed the motion. His lordship asserted that the Bill was oppressive and tyrannical throughout; that the principle which pervaded it, and the means of putting it in execution, had one merit, that of consistency; and that from the same motive, he should heartily dissent to every syllable of its contents. He meant not to trouble their lordships in any future stage of the Bill, or perhaps at all on the same subject, during the continuance of the session, for which reason he hoped for their indulgence on the present occasion. He desired to repeat, that the present Bill, and every other framed on the same principle and directed to the same object, to be attained only by the most flagrant acts of

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cruelty and oppression, must for ever continue to meet with his strongest disapprobation. After examining the general principle of the Bill, which he strongly condemned and reprobated in the most marked expressions, he proceeded to examine the cruel and persecuting means devised for enforcing it, which he said exactly resembled the mode adopted by marshal Rozen, king James the 2nd's French general in Ireland, in order to reduce the rebellious citizens and other defenders of Londonderry. They, brave men, as the Americans are now, were stiled traitors and rebels; and they, as well as our rebellious subjects in America, were to be starved into compliance; that is, the means employed were to be justified by the goodness of the cause. He then read an order from Rozen, for obliging the garrison of Derry to submit, which was to collect the wives, children, and aged parents of the garrison, to drive them under the walls of the town, there to perish in the presence of their parents, husbands, and other relations; and if they offered to return, to fire on and massacre them. But weak, infatuated, and bigoted as that prince was, his heart revolted at such a horrid expedient of subduing his enemies; for as soon as it reached his knowledge, he immediately countermanded the barbarous order, and left the innocent and inoffending to their liberty. The principle he contended was the same; the rebels might have avoided the barbarous purpose, by submitting; so we should be told might the rebels of America. His lordship then entered into a comparative view of the trade of America at different periods; and that of New England in particular. He quoted from the papers lying on the table, that the exports in 1704 amounted to no more than 70,000*l.* per annum: in half a century, in 1754, it was 180,000*l.*; about the time of the repeal of the Stamp Act, in 1764, it was nearly 400,000*l.*; and within the last ten years, it had so prodigiously increased, as to amount to 7 or 800,000*l.* This increase had extended itself, he was well assured, in pretty nearly the same proportion to all the other colonies; and it appeared by a gentleman who gave evidence at the bar (Mr. Watson) that the amount of total exports in the last mentioned period, was above 2,600,000*l.* His lordship said, he could not help remarking the agreement there was between that gentleman's account, and the one on the table, which made the exports to all America in 1764 about 2,700,000*l.* His lordship dwelt on the strange, mutilated, imperfect accounts laid by the King's servants before parliament; and particularly relative to a letter written by lord Dunmore, giving an account of the then state of Virginia, dated in December, in which he omits to take the least notice of the association and declaration entered into by the army under his command early in the preceding November. It was impossible that his lordship could be ignorant of so important a fact, which happened on the spot; but were that even so, a paper which he held in his hand, made it clear, that his lordship could be at least no stranger to its being published at Williamsburgh in Virginia, the seat of his government, two days preceding the date of his dispatch. Perhaps it might have been a spurious account, and as such his lordship could not have taken notice of it; but if that were the case, he should be obliged to some noble lord in administration to rise and tell him so, otherwise he must continue to think that the proceeding of the noble governor was not to be accounted for, consistent with his duty, or at least with the duty of those, who, having better information, thought proper to hold it back. The noble marquis concluded with a general disapprobation of all the measures pursued relative to America, since the repeal of the Stamp Act; and predicted that an useful and constitutional agreement in sentiments, and a cordial reciprocity of interests, would never take place between them and the mother country, till the same principles were once more recurred to.

The Earl of *Carlisle* was surprized that the noble marquis could possibly conceive the Bill was either intended, or could be supposed to operate in the manner he affected to think it would; no such thing being meant, no such thing could take place. The present was not a question about taxation; it was not involved in difficulty, but simply, whether we were justified in employing the most lenient methods of bringing America back to obedience and a proper sense of her duty. The Bill was not formed on the narrow views of loading her with taxes, or for the sake of a paltry revenue. He believed the ministry had no design of forcing her into any such concession; if they had, he was certain that neither he, nor any of the other lords who intended to vote for the measure, had any such desire.

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The Duke of *Manchester* condemned the Bill, as involving in its consequences the guilty and innocent in the same punishment. It was a new kind of logic to him to hear it contended, that the Bill was not oppressive, cruel, or unjust, in respect of the inhabitants of Nantucket; because, be their conduct what it might, they were sure to be punished. Whether they are obedient or disobedient, their fate is to be the same; and what, said his grace, is their mode of relief? Why, after peace and obedience, which, by the bye, as far as relates to them, has never been violated or departed from, shall be restored for one month, and that the same shall be certified by the custom-house officers, then the pains and penalties inflicted by this Bill are to cease. Now, when it is considered what a kind of people the majority at least of those custom-house officers are; when we seriously reflect on their narrow minds, and the mean passions they are generally actuated by, we may readily conclude what degree of favour, indulgence, or justice, the inhabitants of Nantucket are to receive at the hands of such men; men who, in their several stations, besides, are to share among them the forfeitures to be recovered under this Act. It is said, that there are live stock on the island; and it is contended, that New-England has a plentiful supply of provisions within itself; because, during the late war, large supplies were procured from thence for the use of the army and navy. By this latter mode of reasoning, we might as well suppose, because large quantities of tobacco are annually exported from the city of Glasgow, that it grows in the neighbourhood of that town; and, by the former, that because there were provisions sufficient in New England, the people of Nantucket, deprived of the only fair means of procuring it at market, might obtain it by rapine and injustice. His grace proceeded to examine the manifest oppression of the Bill in other respects, particularly as it would affect the property of our merchants, who could not be supposed to have had any hand in the outrages which gave birth to it, or to that general spirit of resistance and disobedience it was intended to subdue. He protested, sincerely, he came with no prejudices, or party views whatever into the House; that he had laboriously endeavoured to forget every connection, to banish every distinction, to forget all that had hitherto passed, and contemplate the Bill nakedly as it came before him; nevertheless, upon the most impartial consideration, in his opinion, it carried in the very face of it every appearance of a most tyrannic, oppressive, and persecuting spirit, from which, consequences of alarming danger were to be feared; for, concluded he, the military force sent to reduce those injured people may be employed at home in the destruction of our own liberties; and by the general complexion of men and measures, and the professed means employed to give the latter existence and success, there are, I fear, some persons of weight and influence who would cheerfully adopt and assiduously labour to put such a design in execution.

The Earl of *Denbigh* rose, to correct a mistake which the noble duke fell into, relative to the inhabitants of Nantucket, by informing him, that the Bill was not correctly printed from the copy; for that in the engrossed Bill every thing which had the least appearance of severity was provided against. As to the certificate required from the custom-house officers, he said, that proceeded from a misapprehension of the noble duke, for the application was to be made to the governor of the Massachuset's Bay, not to the custom-house officers. His lordship then disclaimed the imputation thrown out by the noble duke on administration, so far as it might be supposed to affect himself, and was certain, that no one member of it ever harboured such a thought.

The Duke of *Manchester* answered, that the clause respecting Nantucket, however construed, could extend no further than to the whale fishery; for it still left all, but those employed in that fishery, to starve without employment or bread. He still maintained what he asserted, respecting the mode of application to the custom-house officers, so far as it related to the colonies of Connecticut and Rhode Island, and Providence Plantation. His grace then read the clause out of the Bill, "If it shall be proved to the said governor and commander in chief, and council of Massachuset's Bay, by the testimony of the officers of his Majesty's customs," &c. The noble duke then exculpated his lordship from the most distant suspicion that he would concur in any design to enslave his country, were he first minister.

The Earl of *Denbigh* thanked his grace for the good opinion he entertained of him; but if his insinuations were directed at a noble lord who presided at the head of the

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finances, he begged leave to assure him he was mistaken, for he had known that noble lord (North) from his early youth; they had been bred up together; he was perfectly acquainted with his disposition and sentiments; and by a knowledge thus founded and acquired, he could venture to affirm, with the fullest confidence, that there was not a noble lord in that House, however zealous, would be further from co-operating in any design for overturning the liberties of his country, than he would. He therefore wished that the noble duke would explain himself; for however flattering his grace's sentiments might be respecting himself, it took off entirely from the pleasure it would otherwise cause, while it was founded in an insinuation against another, and given at his expence.

The Duke of *Manchester* assured his lordship, that he had no intention of directly alluding to the noble lord mentioned.

Viscount *Dudley* observed, that the whole state of the evidence given at their lordships' bar, had a direct contrary effect upon him from that proposed by those who combated the Bill; for when the interests of this country, the manning of our navy, the increase of our seamen, and the employment of our own people, came in competition with the pretended hardships and severities of the Bill, he not only thought that it should receive the approbation of the House on the ground it was taken up on, but that it ought to be made perpetual, in order to secure for ever to this country so important a branch of commerce. The colonies were at present spared, by the lenity and mildness of administration, who might carry fire and sword throughout the whole continent of America. He totally differed from the noble marquis, as to the conclusions he drew from the comparative state of the evidence of Mr. Watson, and its supposed agreement with that now on your lordship's table, relative to the exports to America in 1764, as he thought them both equally erroneous. The witness said, that the entries at the custom-house are generally more by one-third than the goods really shipped; and that he and the rest of his brethren, put into a box unsigned papers, containing an account of what each of them exported. Will any noble lord in this House affirm that there could be an accuracy in such a mode, whereby every man was at liberty to set down any quantity he thought proper, without a possibility of detection. If such be the information this House is to be guided by, I am certain that no reliance ought to be had on it: and that it proves only, that both accounts ought equally to be rejected. He said, two of the noble lords who spoke on the other side, seemed to feel greatly for the distresses of the Americans; but said not a syllable of the present miseries of our own manufacturers, who were daily dismissed for want of employment; and whose sufferings would, he feared, if not prevented by this Bill, or some other of the same nature, become intolerable. For his part, he lived in the neighbourhood of one of the greatest manufacturing towns in the kingdom (Birmingham) and there the state of trade and the want of work was such, that should it continue much longer, the most dreadful consequences were justly to be dreaded.

Lord *Camden* rose and said:

My lords; I have so often troubled your lordships on the subject of America, that on every new occasion of speaking to it, I rise with great unwillingness and reluctance to encroach on your lordships' attention; and indeed, I feel myself not a little wearied with the fruitless efforts I have uniformly made since this business has been in agitation. My opinion, on the rights of England and the rights of America, is well known. I first formed it on the clearest conviction, and it continues the same to this day. This opinion I have uniformly maintained; but the great and certain majorities in both Houses of Parliament, and the great numbers, for I admit there are such, perhaps the majority without doors, differing from those opinions, and overbearing with a high and powerful hand our feeble efforts, have almost wearied me into despair of obtaining any thing in this question, or on this subject, by argument or debate: and I would not now give your lordships this trouble, but from a consideration of the duty in which I stand, as a member of this House, to interpose my endeavours towards the vindication of justice, and the service of my country. For this purpose, and in this debate, it will not be necessary to go into the several clauses of the Bill with a minute exactness. It will be sufficient for your lordships to consider the general nature and character of the Bill, to advert to its operation and tendency, and to estimate its fitness and its wisdom, by the qualities that shall be discovered in

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its nature and character, and by the consequences that are to result from it.

This Bill, my lords, is held out to us in various lights, and under various characters. It is sometimes described to us as a Bill of trade and commercial regulation, to regulate and restrain North American commerce, and in so doing to strengthen and increase the commercial interest of this country. At other times we are told it is a Bill of political operation; that it is to increase our maritime power by augmenting the British fishery at Newfoundland; and it is most industriously inculcated by official authority, that the fishery of Great Britain and Ireland there, is the great, and perhaps the only source of our marine. We are told by some, that this is a Bill of firmness and of vigour, to fill up the measure of justice, and to inflict condign punishment on the obstinate and rebellious colonists; but other of your lordships informs us, that it is a Bill of mercy and clemency, kind and indulgent to the Americans, calculated to soothe their minds, and to favour and assist their interest. But my lords, the true character of the Bill is violent and hostile. My lords, it is a Bill of war; it draws the sword, and in its necessary consequences plunges the empire into civil and unnatural war. This, my lords, is the true description of the Bill; and the various contradictory opinions on it, which I have already stated, will be found by your lordships, when you consider this subject with due attention, not only contradicted by themselves, but by the truth and reason of things. The evidence yesterday produced at your bar was anxiously examined, to prove the beneficial effects of the Bill to this country, both in its commercial and political character; but when your lordships recollect the persons who appeared at your bar, to decide points of such importance and such magnitude, you will reject, with due contempt, their petty and interested testimony. A Mr. Lister, of Poole, and a captain Davis, were to instruct your lordships in the political system of Great Britain and America. Mr. Lister, of Poole, was to convince your lordships, that the profits of the commerce of America did not enrich this country; and Mr. Lister, of Poole, and his brother-politician, were to satisfy the legislature of this country, that the utter destruction of American trade would strengthen the navy, and invigorate the marine of England: and from their redoubtable testimony we were to believe, that the fishery at present carried on by New-England, might be supplied and continued by a sufficient number of men and ships from Great Britain and Ireland! that foreign markets should still be amply furnished; and that 5 or 600,000*l.* the value of the North American fishery, should be continued, if not increased, to this country, by our own efforts, independently of them! Why, my lords, or how? Because Mr. Lister, of Poole, and his friend captain Davis, were to gain 2 or 300*l.* a year by the operation of this Bill. Your lordships see the frivolous and contemptible nature of such evidence. The narrow and interested minds of such men are totally unfit for such mighty discussions. Their little distorted scale of understanding cannot comprize, nor comprehend the policy of nations; but a noble lord, at the head of a naval department, warmly supports this Bill, because, in his opinion also, it is to derive prodigious advantages to our navy. I do not wonder at the noble lord's embracing every idea which seems to have that tendency; but I cannot agree that these advantages to our navy, so contended and hoped for, even if they were proved, are to be decisive arguments to your lordships to commit this Bill. Though our navy were to receive the addition of 500 seamen, or 5,000, I cannot think with the noble lord, that we are therefore merely to give effect to a measure, which involves the ruinous consequences that I shall have the honour of submitting to your lordships.

But, my lords, it is much relied on, that our general trade will not suffer, nor diminish, by the particular restrictions imposed on our American fishery by this Bill. My lords, this is a question of the most doubtful and dangerous nature, and requires the most circumspect attention from your lordships. The benefits of trade we know are infinite, and the danger of tampering with it, is in proportion. When we consider its circuity, the various lines it forms, and the many channels through which its several streams flow to a common center, we shall find it is easy to disturb, but most difficult to restore, the complicated arrangement. The sources are so subtile, and the complication so intricate, that these golden streams, if once disturbed, may be irrecoverably lost, and may imperceptibly glide into channels the most hostile and pernicious. But, it has

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been observed and argued, that in this great question, trade is a secondary consideration; that it is subordinate to the great discussions of polity involved in this argument. We are then to understand that this is the state of the question; that to maintain a legislative power over America, is the primary, the sole, and the necessary object; for the attainment of which, and for the reduction of the colonies to an unlimited obedience, all considerations of the benefits of trade, be they what they may, and of the ruinous mischiefs of its loss, be they however certain and fatal, are to be suspended; that we are to contend through every hazard, and in neglect of every other, for this grand object, the establishment of supreme dominion, *voluntas pro imperio*. I wish, my lords, to place the question on its proper basis; and then to submit to your lordships whether, on the real state of it, your wisdom and equity will, for such an object and in exclusion of all other, entail on your country the calamities that I maintain must result from this Bill, the calamities of civil war. Before wise and good men draw the sword, they consider whether the war in which they are going to engage be just, practicable and necessary. Unless the war, which this measure must produce, be found to have these qualities, it cannot be imagined that your lordships will give your sanction to it. The consideration of the justice of the measure contended for, will bring your lordships to the original cause of contention, taxation. As to the right of taxing America, my ideas on that subject must ever continue the same; though I am not now to give them to your lordships. I am tongue-tied on that question. It is now enacted to be law, and is not on this occasion, to be brought into debate. But the exercise of that right, we may always fully examine into. Now, my lords, I must humbly submit, that we have attempted the exercise of this right of taxation, as some of your lordships are pleased to call it, most unwarrantably, and pursued it most unwisely, as the events have proved. An East India ship, freighted with tea, goes to Boston: a mob, and a very inconsiderable mob, destroy it: no requisition is made for satisfaction, which would have been given: no step is taken towards accommodation, which would have been effected; no inquiry is instituted into the transaction; but you proceed, without hearing the parties, without distinguishing the innocent from the guilty, or examining whether any were guilty at all, you proceed to block up their harbour, destroy their trade, and reduce the whole country to the deepest distress. And for what, my lords? For a transaction which every American disclaimed, and none have attempted to justify. Pursuing the same spirit, you arbitrarily introduce a total change into their constitution. You violate their charter-rights of chusing their own council, their own assembly, and their magistrates; and invest the governor with these privileges. You rivet the dependence of their judges, by making them removable at pleasure. You pack their juries, by a *bene placito* sheriff. And thus, my lords, are annihilated all the securities of their freedom and happiness. In criminal matters, the tyrannical statute of Henry the 8th is revived, and the most oppressive partiality is established. If an American kills an Englishman, he is dragged hither, far from his neighbours, his friends, his witnesses; from all possibility of vindicating his innocence. If an Englishman kills an American, he is brought home to his own country, to be tried with all advantages, and without testimony or circumstances to prove his guilt. These are part of the oppressions you have accumulated on America; and to repel them, the Americans have united their counsels and their valour; and, my lords, I must maintain that they are justified in their union. But, my lords, some ideas are most industriously circulated, extolling the irresistible omnipotence of parliament; that the decrees of the legislature must be obeyed, be they what they may; without doubt, and without appeal. A reverend dean [Dr. Tucker, dean of Gloucester] preaches these unlimited doctrines, in his book on the subject of America; and a pamphlet published a few days ago, called "Taxation no Tyranny," I know not the author, [Dr. Johnson,] speaks the same language: the press indeed abounds with politics and pamphlets, studiously endeavouring to enforce the same principles. But, my lords, I have learned other principles and other doctrines, and I learned them from a writer in support of the court and the politics of William the 3d. Mr. Locke wrote his Book on Government in defence of king William's title to the crown; and he proves, in that inestimable treatise, that the people are justified in resistance to tyranny; whether it be tyranny assumed by a monarch, or power arbitrarily unjust, attempted by a legislature.

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My lords, the bodies which compose the legislature, are invested with that power for the good of the whole. We are trustees, and can exercise our powers, only in execution of the great trust reposed in us. What, my lords, if both Houses of Parliament, with the concurrence of the King, if you will, should propose to surrender the dearest rights and privileges of the people; and the case lately happened in Denmark, almost before our eyes, and formerly in our own history, in the time of Henry the 8th, when parliament voted that his proclamation should be equivalent to law; in such cases, are not the people justified in resisting? These, my lords, are the constitutional doctrines of resistance to arbitrary power in all shapes whatever. And let me observe, that these are the doctrines which establish the present family on the throne. Their title stands on this solid rock, the principles of Mr. Locke. I trust then, my lords, those slavish tenets will never gain ground in this country, and that it will never be understood, that the constitution gives you more power than that of doing right. And when I am asked whether the legislature cannot retract charters, and annul rights, if it thinks proper, and merely at its own will, I say, my lords, it cannot, I say, it cannot. They may be lost, they may be forfeited; but they are not to be arbitrarily sported with, and wantonly violated. And when such is the conduct held against America, when the severest and most comprehensive punishments are inflicted, without examining the offence; when their constitutional liberties are destroyed; when their charters and their rights are sacrificed to the vindictive spirit of the moment; when you thus tear up all their privileges by the roots; is there a country under heaven, breathing the last gasp of freedom, that will not resist such oppressions, and vindicate, on the oppressors' heads, such violations of justice?

Now, my lords, whether the proposed measure of severity be practicable or not, is also most seriously deserving of your lordships' attention. To conquer a great continent of 1800 miles, containing three millions of people, all indissolubly united on the great Whig bottom of liberty and justice, seems an undertaking not to be rashly engaged in. It is said by a noble lord (Dudley) that only our mildness and lenity save them from utter desolation, and prevent our carrying fire and sword through their country. But I believe it is certain that we would have done so, if we could; and that nothing but inability has prevented our proceeding to the most hostile extremes of violence and devastation; if we may judge from what has been done in that line, in which alone any thing can hope to be effected. But, my lords, where are you to get men and money adequate to the service and expence that the reduction of such a continent must require? What are the 10,000 men you have just voted out to Boston? Merely to save general Gage from the disgrace and destruction of being sacked in his entrenchments. It is obvious, my lords, that you cannot furnish armies, or treasure, competent to the mighty purpose of subduing America. It is obvious that your only effort can be by your naval power; and, as far as those efforts can have effect, you may certainly expect success: at least when we consider America alone: but whether France and Spain will be tame, inactive, spectators of your efforts and distractions, is well worthy the considerations of your lordships. But admitting full success to your naval efforts, what can they effect; the blocking up their ports, and the suppression of their trade. But will this procure the conquest of America? No, my lords; they are prepared to meet these severities, and to surmount them. They are applying themselves most diligently to agriculture, that great source of strength and independence. Foreseeing the important crisis, they have provided against its wants; and have imported into their country stores of industry, implements of husbandry and manufacture. They have united in the rejection of luxury and superfluous enjoyment. They have suppressed their public diversions, formerly common enough in their great and wealthy towns; and every man attaches himself wholly to the great business of his country. Such is the state of America. She has curtailed her expences; she has reduced her table; she has clothed herself in mean and coarse stuffs; she has adopted the wise system of frugal industry. Her wants can be only ideal, imaginary, nothing.

But, my lords, what will be the state of this civilized, enlightened, dissipated and debauched country? How shall the want of American commerce be supplied, of that commerce which contributes the means of your luxury, of your enjoyments, of the imaginary happiness of this country? We may feel the loss of American

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connection, a loss which nothing can compensate; but America will have little reason to regret her dis-connection from England; and, my lords, it is evident that England must one day lose the dominion of America. It is impossible that this petty island can continue in dependence that mighty continent, increasing daily in numbers and in strength. To protract the time of separation to a distant day is all that can be hoped; and this hope might be obtained by wise and temperate counsels; not by precipitation and violence, uniting America against you: for so it is, my lords; there is not a man in America, who can endure the idea of being taxed, perhaps to the amount of his whole property, at pleasure, by a legislature 3,000 miles distant; or who can separate the idea of taxation from representation. The groundless and interested rumours that are spread, of discord among the Americans, can only impose on the grossest ignorance. They are considered as the cry of the court, the talk of the day, and meet with the contempt they deserve. But, my lords, when administration attempt to join in the imposture, I cannot but think it most humiliating and disgraceful: and such is the attempt made in the exception in favour of New York. The world is to be deceived into an opinion, that New York is detached from the general cause, and this dirty, humiliating contrivance, is to create distrust and disunion in America; and this, when the directly contrary state of the province is well known. Did not they send delegates to the congress: to that congress, which I shall ever maintain to have been strictly justifiable? And, my lords, the committee is now in the town, most heartily and unanimously cooperating and enforcing the general cause. Such mean insidious attempts to undermine the American union, only prove its solidity and firmness, which are otherwise not to be attacked or shaken, and against which, all your efforts of war must be vain and impracticable.

But, my lords, an objection may be made to this account of the powerful and invincible state of America. It will be said, that if England cannot enforce obedience, and curb any refractory disposition that may arise in the colonies, America might at any time revolt, and shake off the authority of the mother country. But the answer is this; that America derives the invincible strength I have described, from her union, which can only be produced by the oppressions from this country; for, my lords, the state of America is such, that union can never originate in herself. And this was wisely consulted in the original settlement of that continent, by the different constitutions given to the different provinces, forming them of such divers textures and dispositions, as not easily to unite or assimilate. Some received royal charter governments; some provincial; and some proprietory. Some were shaped in the mould of monarchy; others received the form of pure democracy; and even these last were granted in a reign in which the most arbitrary counsels disgraced the throne. But the ministers of this prince (Charles the second) wisely detached them from each other, knowing that different forms of government would give them different directions. And so it was. They could never, for themselves, merely coincide or co-operate. You might as easily have reconciled fire and water, as have brought Virginia to shake hands with Pennsylvania, or associated New York to the Massachuset's Bay. And if any one colony could have ever been infatuated into an attempt entirely to throw off the dependence on this country, she would have had few or none to join her. The contest would then be speedily decided, and very different would be the efforts of divided America against united England, from the force which now resists you, the collected force of united America against England weakened and divided. For such, my lords, is the state to which the present measures have brought both countries. At home, discontent and division prevail; and in America it was reserved for the wisdom of these times to produce such an union as renders her invincible. The Americans are now united and cemented by the strongest ties. They are allied in the common defence of every thing dear to them. They are struggling *pro aris et focis*, in support of their liberties and properties, and the most sacred rights of mankind. Thus associated by the strongest mutual engagements, and aided by their mutual strength, grounded on the justice of their cause, I must assert and repeat, my lords, that your efforts against them must be successless, and your war impracticable.

And now, my lords, it remains to be considered, whether the war which this Bill must produce, be necessary; for without necessity, it will not be contended that

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any war should be undertaken; much less a civil war, which in the first instance proscribes, and drives to famine, such multitudes of your fellow subjects; whole towns and provinces; for it is well known, that the fishery is not only the trade, but in a great measure, the food of New England. Now, it cannot appear that this ruinous measure, fraught with all fatal consequences, both to them and ourselves, is necessary; unless it appears that every prudent and proper endeavour has been made to accommodate, to conciliate, to pacify. If such endeavours have been used, and used in vain, then, my lords, there might be some colour for the present violence. But it is notorious, that not the temper of moderation and humanity, but the spirit of violence and proscription has uniformly actuated your counsels. In the first instance, without the forms of justice, for a particular fault, you inflicted general punishment. You proceeded from their trade, to their municipal rights, to their constitutions, their charters, their liberties; and now, this Bill of famine and of war finishes the climax of severity. Such have been the counsels and the measures of administration. Other counsels have been given, and different measures have been proposed; but they have not been even considered; they were rejected with disdain; though they came from a personage whose character gave them authority, and ought to have procured them respect; a great man, (the earl of Chatham) the greatest perhaps that this age or this country has produced, to whom this country owes her present prosperity, and, I am sorry to say it, her pride, her pride of conquest, which has infatuated her, even in this impracticable war, with the ideas of victory, and certain success; that great man, from whose opinions, though some of your lordships may sometimes differ, yet there is not one of your lordships who does not pay homage to his consummate capacity, his extensive talents, his great services, and his age, when he delivers those opinions from his place. I lament that I do not see him there. That great man did propose to you a plan of conciliation between this country and her colonies. How was it received? It was treated with the most scornful contempt; rejected without being looked into; spurned, trampled upon! I protest, my lords, I am afflicted with grief, when I reflect on the proceedings of that day; in such an arduous moment, that such a plan, the labour of such talents and such experience, should be rejected, even from your consideration, unlooked into, with such indecent indignity. Erase it from your books; obliterate the transaction from your records; let not posterity be contradicted by history, that such could have been your conduct towards such a man!

So much, my lords, for conciliatory plans in this House. In another House of Parliament, when a noble lord, (North) whose character I by no means intend to reflect on, or to mention with disrespect: —when he proposed what was conceived in some degree to tend towards conciliation, there was immediately a general alarm, it created almost a civil war amongst his troops; and the confusion was universal: till some of the veteran and principal officers brought back their general, and fixed and ascertained him on the old ground of severity. Nothing conciliatory therefore, has been proposed from administration, or received from any other quarter: but an uniform system of maxims, doctrines, and measures of violence, has been maintained. And surely, before you resolved on measures of such magnitude, where the event is at least hazardous, and certainly of the extremest importance, it was your duty to have tried all possible means of lenity, accommodation and of prevention, and not have rushed into such fatal calamities, till impelled by the last necessity. As it appears to me, therefore, my lords, that the war in which this Bill must involve this country, is neither just, practicable, nor necessary, I must give my vote against committing the Bill.

The Earl of *Sandwich*. The noble lord mentions the impracticability of conquering America; I cannot think the noble lord can be serious on this matter. Suppose the colonies do abound in men, what does that signify? they are raw, undisciplined, cowardly men. I wish instead of 40 or 50,000 of these brave fellows, they would produce in the field at least 200,000, the more the better, the easier would be the conquest; if they did not run away, they would starve themselves into compliance with our measures. I will tell your lordships an anecdote that happened at the siege of Louisburgh: sir Peter Warren told me, that, in order to try the courage of the Americans, he ordered a great number of them to be placed in the front of the army; the Americans pretended at first to be very much elated at this mark of distinction, and boasted what mighty

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feats they would do upon the scene of action; however, when the moment came to put in execution this boasted courage, behold, every one of them ran from the front to the rear of the army, with as much expedition as their feet could carry them, and threatened to go off entirely, if the commander offered to make them a shield to protect the British soldiers at the expence of their blood; they did not understand such usage. Sir Peter finding what egregious cowards they were, and knowing of what importance such numbers must be to intimidate the French by their appearance, told these American heroes, that his orders had been misunderstood, that he always intended to keep them in the rear of the army to make the great push; that it was the custom of generals to preserve the best troops to the last; that this was always the Roman custom, and as the Americans resembled the Romans in every particular, especially in courage and love of their country, he should make no scruple of following the Roman custom, and made no doubt but the modern Romans would shew acts of bravery, equal to any in ancient Rome. By such discourses as these, said sir Peter Warren, I made a shift to keep them with us, though I took care they should be pushed forward in no dangerous conflict. Now, I can tell the noble lord, that this is exactly the situation of all the heroes in North America; they are all Romans: and are these the men to fright us from the post of honour? Believe me, my lords, the very sound of a cannon would carry them off, in sir Peter's words, as fast as their feet could carry them. This is too trifling a part of the argument, to detain your lordships any longer. The noble earl then went on to abuse the Americans for not paying their debts; he made no doubt that the real motive of their associations, was to defraud their creditors. That the congress, on which the noble lord had passed high encomiums, was a seditious and treasonable meeting of persons assembled to resist the legal and just authority of the supreme legislative power; and however dignified by his lordship, or any other noble lord, he should always continue to describe it by the latter appellation, as its only true and proper name. His lordship entered into a long examination of the purport of the evidence given at the bar by Messrs. Lister, Davis, Shuldham, and Paliser; and laboured to prove, that the present Bill, whatever other objects it might take in, was not, nor ought to be, a Bill of intimidation or experiment, but a perpetual law of commercial regulation, operating to extend our trade, to increase our seamen, and strengthen our naval power.

The Earl of *Shelburne*, after stating at large the nature of the Newfoundland fishery, and its great importance to this country, observed, that unless the present Bill was taken up as a permanent, commercial regulation, however great an object it might be, it was by no means at present before the House. You are told, it is in proof before you, that the people of Nantucket, the unoffending, peaceable inhabitants of that island, will be deprived of every means of sustenance and support, should this Bill pass into a law. It remains yet uncontradicted, that the people of New England have not corn nearly sufficient for their own consumption; and this Bill says, they shall not be supplied elsewhere. How nugatory and ridiculous it is, then, to talk of commercial regulation, which is supposed to include improvement and protection, when that regulation is immediately directed to starve and oppress one part of your subjects, to whom there is not so much as any crime or offence imputed, in order to give commercial advantages to another. But if the several laws in being, for the improvement of the Newfoundland fishery are not sufficient, or that the Admiralty, in whose department it is, satisfy parliament that those powers have been properly exerted, and are found to be inadequate, let a Bill be brought in for that purpose. I am convinced of the very great importance of the fishery; and no man in this House will be more zealous to give it his most warm support, than I shall be.—His lordship next adverted to the sedentary fishery, given up to Canada by the Quebec Bill, and fully explained the great pains taken by the two very able men who preceded him at the Board of Trade, Charles Townshend and a certain noble lord and himself, to annex the fishery of Labradore, &c. to that of Newfoundland. He gave the most flattering testimony to the attention and great abilities of sir Hugh Palliser, to whom he entrusted the entire negociation of that difficult affair with the count de Guerchy, the French minister. He entirely coincided in sentiments with the noble lord (Camden) who called this a bill of pains, penalties, and coercion, not of commercial regulation. He agreed

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with him likewise, that the popular tide was against him; but he was certain it would not be long before it took a different turn, as the people would find they were deceived, and parliament would at length discover they were misinformed and misled. He, therefore, as a member of that body, put in his early claim of objecting to the current ministerial language, that parliament did this, and parliament did that, for he insisted that parliament had done nothing; it was the ministry had done all. Attend only a minute to their conduct, said his lordship, and you will see, that what I have now advanced is strictly true. They have laid before us a mutilated correspondence, precisely calculated to answer certain purposes. On one hand, they have suppressed whole letters, and of such as they have laid before us, they have only given partial extracts; on the other, they have held back the whole of the official letters on this side of the water, one or two of no consequence only excepted. Will any noble lord seriously affirm, that whatever proceedings have been taken on such information, can be deemed the proceedings of parliament? or that any set of ministers, will be permitted to screen themselves under the protection of parliament, when it shall be discovered, that the measures recommended and adopted, were framed on facts mis-stated, or for want of material ones, designedly suppressed? His lordship concluded with observing the strange diversity of sentiment which prevailed among the several leading members in administration. He alluded to the plan of conciliation proposed by lord North, which was instantly reprobated. He then observed, that of several of the noble lords no two of them scarcely thought alike; some were for commercial regulation, others for asserting the right, without wishing for a paltry revenue, and a very considerable body for the right and revenue both. This state of things put him in mind of a general whom he served under in Germany, a native of that country, who first desired the regiments at the right to form to the left, then again to the right, then to the rear, again to the right-about. That the troops, after being harassed for two days by these absurd, contradictory manœuvres, at last found themselves in the place they set out from, without making the least way, on which the general desired every corps to march as they liked, so as to make their way in the most speedy manner to the place of their destination. He hoped, however, that Englishmen would never copy the slavish obedience of Germans, but would learn to act for themselves, and spurn the direction of those who knew neither to lead them to victory, nor protect them from ruin.

The Earl of *Suffolk* totally disapproved of some of the reasoning employed, and facts alluded to by lord Sandwich. He said, that noble lord's insinuations and assertions, that the Americans would not fight, were what he could not approve of. He believed, there were as brave men in that country as in any other; and though the fact were otherwise, he could never hear it asserted with any degree of satisfaction, that there was any part of the King's subjects deficient in that degree of personal courage, for which the whole were so justly renowned. There was another point much laboured by the same noble lord, to which he could never give his assent; and he was sorry to hear it relied on, and so much adverted to in the course of the debate; that was, that the present Bill was meant to be a measure of permanent commercial regulation, distinct from its main object. This, he said, was by no means the intention of its original framers; it was intended as a Bill of coercion, to oblige the people of New England to submit to the legal and just power of the mother country, and that the faith of parliament would be pledged to them, to restore the fishery, as soon as it should appear that they had returned to their former obedience. His lordship then proceeded to defend the Bill on that idea; and, in answer to what had been said relative to the diversity of opinions which prevailed among the King's servants, he was certain there was not a second among them as to the material question of the right, and the means of exerting it. As to the conciliatory motion in the other House, he owned that many of the members of it were much staggered; and very justly so, till it came to be explained; and for his part, he should be much grieved if there was not as great a majority against it as there appeared for it, if the motion had not admitted of the obvious sense it did when it came to be examined. He repeated, how happy he was in being one of the persons who advised the dissolution of parliament, as the designs and expectations of America were at once frustrated and broken by that

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measure; and concluded in replying to what the noble marquis dropped early in the debate, that the repeal of the Stamp Act was the source from which all our present confusions had totally originated.

The Earl of *Radnor* said, he was at the throne, going out, not intending to vote on either side, when he heard the last noble earl pledge the faith of parliament, that so valuable a branch of our commerce was intended to be given up to the New Englanders, as a sacrifice for their returning to their duty. It was an improper language to be held in that House, nor was the policy in every respect less exceptionable; for both which reasons he had returned to give his voice against the Bill.

The Earl of *Suffolk* said, he did not mean as a minister to pledge the faith of parliament, nor did he promise the people of New England that the fishery should be given up; the intentions he wished to impress being only, that the present Bill was not a Bill of commercial regulation, but of coercion; which as soon as the ends proposed were attained, would certainly be repealed, leaving parliament nevertheless, to take the matter up on motives of policy.

The Earl of *Radnor*, not at all satisfied with this explanation, adhered to his former opinion, and declared, that he could not, in conscience, give his vote in favour of a Bill, obedience to which was to be purchased on the implied conditions of sacrificing the most important branch of commerce belonging to the British empire.

The Duke of *Grafton* said he had not the least difficulty in giving his vote on the present occasion, as it did not, in his opinion, rest on the question so much agitated on both sides of the House; the question of taxation, so improperly introduced into the debate. The present Bill, he insisted, was founded on the principle of retaliation and punishment, for an outrage as daring as it was unprovoked, still further heightened and aggravated by a resistance to all lawful authority, and almost a positive avowal of a total independence on the mother country. On those grounds the propriety of the present Bill could only be fairly argued; and the motives of retaliation in one instance, and a with-holding the benefits only due to a dutiful and obedient conduct in the other, were what had determined him to give his vote, that the Bill should be committed.

His grace next disclaimed all ideas of taxation and commercial regulation, as being clearly out of the question. He observed, that a noble lord in administration (the earl of Suffolk) had very improperly imputed all the present confusions to the repeal of the Stamp Act. I was the person, said his grace, who framed those resolutions, and had the honour to propose them to a committee of this House, on which the Bill for that repeal was afterwards formed, brought in, and passed. I was then the advocate, and still take a particular pride in being the steady friend of America. The delicacy of my situation then, as well as now, will not permit me satisfactorily to explain the motives which led to that repeal, nor the consequent very disagreeable circumstances which succeeded it, and perhaps now regulate my conduct; but this however I am at liberty to declare, that the argument so confidently urged, that America contributes nothing towards the common support, however plausibly maintained, or forcibly expressed, is a fallacious one. I affirm, she does contribute largely to the public burthens, in the great consumption of our manufactures; and I should be very sorry to see, that what appears now a speculative composition, liable to be controverted, should ever come to be demonstrably, nay actually, proved. Will any noble lord, at all conversant with the trade and commerce of this country, contend, that we are not enabled to pay the great load of taxes we labour under, by the vast increase of our exports to that continent; or that the various articles of leather, &c. and in short all exciseable commodities exported to that country, as well as the innumerable benefits derived to every part of the three kingdoms, by the circuitous commerce carried on with it, is not in reality a very great augmentation to our revenue, and to every substantial purpose, answers the end of an actual tax, unaccompanied by any of the disagreeable consequences that never fail to attend laying burthens on the people, and collecting it? A noble and learned lord (Camden) seemed to take it for granted, that all thoughts of conciliation are laid aside; and that this Bill is no less than a positive declaration of war on our part. I beg leave to differ from the learned lord. I believe that America will trust to the parental disposition of this country, where she has many strenuous friends, among whom, I number myself one of the warmest.

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I trust therefore, that she will not blindly rush on her own destruction, and thereby prevent them from serving her; but return to her obedience, as the surest means of obtaining a reparation for any injuries she may have sustained. On the whole, therefore, I sincerely hope, that the present Bill will have the desired effect; that our fellow-subjects in America will wisely and dutifully return to their obedience; and, that as in the present year 1775, we are prosecuting just measures to bring about so desirable an end, so in the year 1776, we may be employed in manifesting the most ample proofs of our removing all cause, or almost possibility of the return of the same evils, by ascertaining their rights, and the constitutional power of this country, on the most fair, equitable, and permanent foundations. It was my task on a former occasion: and I shall with pleasure, in the year 1776, as a strenuous friend to the just claims of America, unremittingly labour in the same cause.

The Marquis of *Rockingham* observed, that a noble lord (Dudley), had objected to the accounts of the American exports of 1764, now lying on the table, as well as that given by a witness at their lordship's bar, (Mr. Watson) and drew a conclusion from the method of obtaining them, one being made up from unsigned papers, and the other from false entries; that they were both erroneous, and consequently that every deduction drawn from such premises must be equally fallacious and undeserving of the least degree of credit or attention. To this his lordship answered, that for the purpose he employed those supposed facts, it was totally immaterial whether they were correct or not; the exports, for instance, might be 2,700,000*l.* or only 2,000,000*l.* the argument either way was equally good. All he meant to prove by stating them, was to shew the vast increase of our trade to America, from a comparative state of it at different periods. The error, his lordship said, was uniform; it existed at all times, or not at all. Thus the custom-house entries said, the annual exports in 1704 were of foreign goods 17,000*l.* of home 54,000*l.* in all 71,000*l.*; in 1754, 180,000*l.*; in 1764, in ten years, more than double; and in the last nine years again, nearly in the same proportion, the exports being between 7 and 800,000*l.* to New England alone. His lordship concluded with observing, that some noble lords, who formerly entertained an opinion of the propriety of the Stamp Act, seemed to have since altered their sentiments. He, therefore, called upon them to declare their minds freely, and not to act under any restraint: for he was ready and willing to unload them of such a burthen, and bear the whole of the blame on his own shoulders; trusting, on the other hand, if it proved a wise measure, that he might be entitled to claim the merit thus abandoned.

Lord *Camden* rose to explain, in reply to what had fallen from the last noble duke who spoke in the debate. He begged leave to correct a mistake of his grace's, relative to the reception lord Chatham's conciliatory Bill met with, and to recal to the memory of the House, the manner of its total rejection. When the noble lord who brought it in had explained the purposes of the Bill, and delineated its great outlines, he apologized for the matter it contained, and the aukward dress it appeared in; beseeching at the same time the attention, indulgence, and assistance of the House, to amend it in matter and form, so as to suit it to the magnitude and importance of the objects to which it was meant to be directed. What was the immediate consequence? said his lordship. A noble lord in administration, (lord Dartmouth) remarkable for his candour, consented that the Bill should lie on the table, to be taken up on some future day, in order to consider it maturely, as it contained such an infinity of matter; but on a sudden another noble lord, high in office, (lord Sandwich) strenuously opposed it, and moved for a total rejection, refusing it even the cold compliment, or ceremonial, of letting it lie on the table for twenty-four hours. His grace has a kind of answer to this, he says, "though the Bill was not permitted to go to a second reading, it was never totally rejected, it is still before the House, and may be still brought under its cognizance." This I absolutely deny. The Bill, though on your lordships' table, is now no more than waste paper; it may be there, or any where else, as to any substantial purpose. Look into the Clerk's minutes, suppose the Journals made up, and in either event you will find the Bill absolutely, to all intents and purposes rejected; and as much out of this House, in point of order and parliamentary proceedings, as if it had never been brought into it. His grace's reason for objecting to the Bill, however new, for I am certain nothing like it was suggested in the de-

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bate, is equally curious. The noble duke says, it was highly improper, and unparliamentary, to bring a Bill into this House, which by repealing several revenue Acts, was a direct infringement of the right of the Commons, who claim it as an inalienable privilege to originate all bills for raising and repealing taxes. Is the noble duke to be informed, that when the Bill got into the committee, was the time to state that objection, where he or any noble lord would be at liberty to put a question separately upon every word, sentence, and clause; by which means not only three or four revenue Acts might be left out, but three or four hundred, if the Bill contained so many? On the whole, my lords, whatever his grace's sentiments may be, it was to the principle, not the clauses, of the Bill, the real objection lay, therefore those who were against the principle acted very properly, not to trouble themselves with the clauses, but to reject the whole at once.

The Earl of *Abingdon* said, that reason, justice, conscience, principle and instinct, all prompted him to pronounce the Bill a most diabolic measure. How the right reverend bench reconciled it to their consciences, he was unable to conceive: for his part, he put his trust in the Almighty; and though he knew all he could say would avail nothing against a ministerial majority, yet he cautioned the lords against injustice, as in the judicial visitation of Providence it generally fell heavy on the heads of those who planned iniquity.

The House then divided: For the Bill, 104; Against it 29.

March 21. The Earl of *Dartmouth* moved the third reading of the Bill.

The Earl of *Buckinghamshire* offered an amendment. The clause, as it stood in the ingrossed Bill, which his lordship wished to alter, was part of the prohibitory clause, relative to the fishery, where it was enacted, "That if any ship, or vessel, being the property of the subjects of Great Britain, not belonging to, and fitted out from Great Britain, Ireland, or the islands of Guernsey and Jersey, shall be found, after the 20th of July, 1775, carrying on any fishery, of what nature or kind soever, upon the banks of Newfoundland, the coast of Labrador, or within the river or gulph of St. Lawrence, or upon the coast of Cape Breton, or Nova Scotia, or any other part of the coast of North America, or having on board materials for carrying on any such fishery, every such ship or vessel, with her guns, ammunition, tackle, apparel, and furniture, together with the fish, if any shall be found, shall be forfeited, unless the master, or person having the charge of such ship or vessel, do produce to the commander of any of his Majesty's ships of war, stationed for the protection and superintendence of the British fisheries in America, a certificate under the hand and seal of the governor or commander in chief of any of the colonies or plantations of Quebec, Newfoundland, St. John's, Nova Scotia, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, East or West Florida, setting forth, that such ship or vessel, expressing her name, burden, &c. and describing her, hath been fitted out from some one of the said colonies or plantations:" his lordship moved, That the words 'New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, should be omitted.

The Duke of *Manchester* opposed the amendment. He said, that one half of the continent of North America was at once punished by the proposed alteration, without any trial, proof, or enquiry whatever; that such a mode of proceeding was totally repugnant to the established rules of equity, which always supposed the party accused had been heard before judgment was pronounced.

The *Lord Chancellor* said, the House was in possession of evidence, fully sufficient to authorize their lordships in agreeing to the proposed amendment; that at the time the Bill originated in the other House, the information alluded to was not known; that it appeared by the several accounts received from the provinces of New Jersey, Pennslyvania, &c. that they were equally culpable with those of New England; and that of course they ought to suffer under one common punishment.

The Duke of *Manchester* acceded to the general premises laid down by the learned lord; but totally denied the propriety of the inferences and conclusions drawn from them. He observed, that although the letters stated what his lordship was pleased to call the disobedient and undutiful disposition of the southern colonies, but what he should always esteem as a meritorious perseverance in the cause of freedom, and a constitutional assertion of their rights, those letters were no more in the contemplation of the House, in its legislative or deliberate capacity, than if

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they had never existed. Have they, said his grace, been even so much as read? Have they been considered? Have the parties accused been heard in their own defence? Away, then, with such pretences! Has not the minister in the other House, and the House itself, been in possession of the same information? Why then have not they proceeded in the same manner? No; however willing they might be to do it, they plainly saw the insurmountable difficulties which lay in their way, and wisely declined it. The province of New York was permitted to stand in the Bill with the other favoured provinces, though it was well known that they had, in their legislative capacity, denied the right of taxation; and had conformably to those sentiments, transmitted a petition to the King, a memorial to this House, and a remonstrance to the other. His grace, therefore, desired to know the reason why they were singled out from the rest, when the offence was the same. He had no objection to the indulgence; but he could not perceive how their lordships could reconcile their conduct on this occasion with any rule of consistency whatever.

The Earl of *Effingham*. I have been well informed that a ship has arrived at New York, and that the people of that colony absolutely and peremptorily refused to permit any part of the cargo to be landed. I therefore call on some of the noble lords in administration, to contradict this account if false, or confirm it if it be true. Should the latter be the case, I cannot for my part conceive, on what ground the present exemption in favour of New York can be defended.

The Earl of *Dartmouth*. It is not in my power directly to contradict, or affirm, the intelligence of the noble lord. All I can say on the subject is, that the last account I received was from a gentleman of veracity on the spot, who writing on the Saturday, and informing me of the arrival of the vessel, assures me, that the goods would be landed on the Monday following.

The House divided: For the amendment 52; Against it 23. The question then was put, that the said Bill do pass. The House divided again: For the Bill 73; Against it 21. The following lords divided against the Bill: Camden, Richmond, Devonshire, Portland, Rockingham, Ponsonby, Abingdon, Manchester, Courtenay, Tankerville, Scarborough, Cholmondeley, Abergavenny, Wycombe, Torrington, Effingham, Fitzwilliam, Craven, Leinster, Stanhope, Archer.

Protest against passing the Bill for restraining the Trade and Commerce of the New England Colonies.] The following Protest was entered:

"Dissentient,

1st. "Because the attempt to coerce by famine, the whole body of the inhabitants of great and populous provinces, is without example in the history of this, or perhaps of any civilized nation; and is one of those unhappy inventions, to which parliament is driven by the difficulties which daily multiply upon us, from an obstinate adherence to an unwise plan of government. We do not know exactly the extent of the combination against our commerce in New England, and the other colonies; but we do know the extent of the punishment we inflict upon it, which is universal, and includes all the inhabitants: amongst these, many are admitted to be innocent; and several are alleged by ministers to be, in their sense, even meritorious. That government which attempts to preserve its authority by destroying the trade of its subjects, and by involving the innocent and guilty in a common ruin, if it acts from a choice of such means, confesses itself unworthy; if from inability to find any other, admits itself wholly incompetent to the ends of its institution.

2dly, "Because the English merchants are punished without any guilt, real or pretended, on their part. The people of the proscribed provinces, though failing in their duty to government, ought to be permitted to discharge their obligations to commerce. Without their fishery this is impossible. The merchants of England entertain no fears for their debts, except from the steps which are said to be taken in their favour. Eight hundred thousand pounds of English property, belonging to London alone, is not to be trifled with, or sacrificed to the projects of those who have constantly failed in every expectation which they have held out to the public, and who are become more bigotted to methods of violence, in proportion to the experience of their inefficacy, and the mischievous consequences which attend them.

3dly, "Because the people of New England, besides the natural claim of mankind to the gifts of Providence on their own coast, are specially entitled to the

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fishery by their charters, which have never been declared forfeited. These charters, we think, (notwithstanding the contempt with which the idea of public faith has been treated,) to be of material consideration. The Bill therefore not growing out of any judicial process, seems equally a violation of all natural and all civil right.

4thly, "Because we conceive that the attempt which has been made to bribe the nation into an acquiescence in this arbitrary Act, by holding out to them, (by evidence at the bar), the spoils of the New England fishery, worth upwards of 300,000*l.* a year, to be a scheme full of weakness and indecency; of indecency, because it may be suspected that the desire of the confiscation has created the guilt; weak, because it supposes that whatever is taken from the colonies, is of course to be transferred to ourselves. We may trample on the rules of justice; but we cannot alter the nature of things. We cannot convey to Great Britain the advantages of situation which New England possesses for the fishery. If the value of the commodity should be enhanced at the foreign market by the exclusion of so large a part of the supply, it may either greatly injure the sale of the commodity itself, or put the consumers on new articles of consumption, or new methods of supply, to the just ruin of those who, deluded by avarice, have chosen, from the vain hope of an enhanced market, to disturb the natural, settled, and beneficial course of traffic.

5thly, "Because we do not apprehend that the topic so much insisted upon by a lord high in office, in favour of this project, namely, the cowardice of his Majesty's American subjects, to have any weight in itself, or to be at all agreeable to the dignity of sentiment which ought to characterise this House. We do not think it true, that any part of the subjects of this empire are defective in bravery. It is to the last degree improper to act upon such a supposition; as it must highly disgrace our arms in case of misfortune, and must take away all honour from them in case of success. Nothing can tend more effectually to defeat the purposes of all our coercive measures, than to let the people against whom they are intended know, that we think our authority founded in their baseness; that their resistance will give them some credit, even in our own eyes; and that we attribute their obedience only to their want of courage. This is to call for resistance, and to provoke rebellion by the most powerful of all motives, which can act upon men of any degree of spirit and sensibility.

6thly, "Because the interdict from fishing and commerce, is not to be terminated by any certain and definite act to be done by the party interdicted, but its duration depends solely on the will of the governors and majority of the council in some of the provinces; upon their mere arbitrary opinion of the state of commerce. In two of the proscribed provinces, the interdict is made to depend on the same arbitrary will in much worse hands, those of mere custom-house officers. A power of such magnitude is not fit to be delegated to any man, however wise or however exalted.

"But to deliver over several hundred thousands of our fellow creatures to be starved at the mere pleasure of persons in certain subordinate situations, and some of them in an office always more or less suspicious and obnoxious, and necessary to be watched and guarded, rather than vested with absolute power over all; and this without any rule to guide their discretion, without any penalty to deter from an abuse of it; is a strain of such tyranny, oppression, and absurdity, as we believe never was deliberately entertained by any grave assembly.

Lastly, "Because the Bill, though in appearance a measure of retaliation only, upon a supposition that the colonies have been the first aggressors by their association not to import goods from Great Britain, yet is in truth a most cruel enforcement of former oppressions; and that association is no more than a natural consequence of antecedent and repeated injuries. And since the restraint of this Bill is not to be taken off till the several colonies shall agree to receive again all goods whatsoever from Great Britain, and to pay all the duties imposed by parliament, not excepting those upon tea; and since three of them must apply through the medium of the new council of Massachuset's Bay, and the last mentioned province is obliged not only to acknowledge the new charter, but submit in all respects to the severe conditions of the Port Bill, before they can be released from their hardships; since these are the terms, and the only terms, upon which this proscription is to cease, and the colonies must therefore submit to be the slaves instead of the sub-

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jects of Great Britain; this Bill in its principle is both arbitrary and unjust. And as we do not conceive any ground of expectation that the provinces will yield to such hard conditions, a civil war, which may probably end in the total separation of the colonies from the mother country, will too naturally be the consequence of this Bill; in respect of which, as well as for the other reasons hereby assigned, we do most solemnly and heartily protest against the same. *(Signed)*——Abingdon, Craven, Abergavenny, Stanhope, Leinster, Wycombe, Richmond, Devonshire, Torrington, Rockingham, Camden, Effingham, Ponsonby, Cholmondeley, Fitzwilliam, Manchester."

Mr. Glover's Speech at the Bar of the House of Commons in behalf of the West India Merchants and Planters.] March 16. The House resolved itself into a Committee of the whole House, to consider further of the Petition of the merchants, traders, and others, of the city of London, concerned in the commerce of North America, and of the several other Petitions referred to the consideration of the said Committee. Evidence was heard in support of the Petition of the West India Planters, (See p. 219.) Mr. Glover appeared as agent for the petitioners, and manager of the evidence in support of the Petition. After Mr. George Walker, and Mr. John Ellis, had been examined,

Mr. *Glover** summed up the evidence in the following Speech:

I begin with investigating the general system of the British empire, not only in description, but illustration by comparison. Ancient nations were possessed of the widest dominion, not with commercial helps. To be brief, I shall confine the enquiry to one, to the Romans in their ages of purity. Cultivation of their soil, rude manufacture just adequate to their necessities, severity of manners, superiority in martial discipline, enthusiasm for the very name of Rome, and the *dulce et decorum pro patria mori* made them masters of the world. War was conducted with little expence, and the weightiest arms in the most skilful hands prevailed. Commerce flourished among others, whose affluence submitted to the steel of Rome.

What is the system now? All over Europe the same weapons, the same discipline, the same military arts are in practice; war is attended with a profusion of expence; and the deepest purse is the best assurance of success. Hence the encouragement of manufacture and trade is the pursuit of every nation in this quarter of the globe, except two; who derive the treasure, which Europe wants, from distant mines, with a facility, enervating their own industry, while the rest are exerting theirs, each for a share in that wealth, which the other two introduce, and can only be obtained through the commercial channel. By this, Holland, with a territory insufficient to nourish her inhabitants, hath in her day stood forth a bulwark against tyranny and superstition. An artificial strength, created by commerce, enabled her to make head, with numerous fleets and armies, against powers immensely her superiors in natural force. Above all in commercial arts and advantage is Great Britain. Her purse, kept full by her credit, the resource of a trading nation, an annual expenditure at least of 16 to 18 millions recently supported so long, so extensive, and so vigorous a war. Had her purse been scanty, she never would have seen a navy, which bore little short of 90,000 men, could never have engaged a potent ally, nor furnished such troops, as acted so efficiently, and at the same time in such different parts of the globe. Hence it is evident her system is commercial; her strength and resources are wholly derived from trade. I allow, the first interest in rank among us is the landed, but interwoven altogether with trade. Pay no regard to a doctrine from me, but pay all to the supreme authority of the clearest luminary this country ever produced, the great Mr. Locke. His words are these, "The decays that come upon, and bring to ruin any country, do constantly first fall upon the land; and though the country gentleman is not very forward to think so, yet this nevertheless is an undoubted truth, that he is more concerned in trade, and ought to take a greater care that it be well managed and preserved, than even the merchant himself."

On the firm ground of such authority let enquiry be made, whether we should not remain content with the lot assigned us, which hath raised us so high among the modern nations, where all are in rivalry for manufacture and trade; whether we should degrade our refinements by a pa-

* The celebrated author of Leonidas.

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rallel with an unpolished and rugged race of old, and contaminate the delicacy of modern sensations with those primitive and stern principles, which imposed such a yoke on mankind as the 'majestas populi Romani:' or whether, confining our speculations to the placid sphere of enjoyments with more quiet, and less hazard, than the restless pursuits of their ambition, we should not have in contemplation upon all extraordinary convulsions, how far the means of those enjoyments may be affected, that influx of wealth, the creature of commerce, which solely constitutes our envied power and rank in the present world.

To elucidate by facts a system so essential to our being, your petitioners have appeared at this tremendous crisis; when Great Britain and America, the parent and the child, with equal irritation are menacing at least, what barely in words, what barely in thought, is horror—to unsheathe the sword of parricide, and sever the dearest ties of consanguinity, of mutual aids, and general prosperity.

Your petitioners preferred but one supplication to the All-merciful Being; their own reason suggested no other, than to be heard by you. He hath inclined you to hear, truth enables us to speak. Truth in its nature is healing, and productive of reflection: reflection leads to composure of mind, and strengthens in our breasts a hope, that an hour may come, when this humble application may not be found altogether ineffectual: if too, for that auspicious purpose, it may prove my good fortune so to collect and combine the various evidence from your bar, and from the copied records of office upon your table, as to establish a system of the whole, and found that whole upon truth; whose efficacy upon the mind I have described before, and with some fervour of hope anticipate now.

Here, Sir, I entreat your acceptance of a clue through the seeming labyrinth of accounts. The ways indeed are all unadorned, but the least perplexed of any to a little attention; and to make them short shall be mine.

You have before you official accounts of the exports from England to the West Indies, from Christmas 1739 to Christmas 1773. Of these 34 years, the first 17, ending at Christmas, 1756, form a period, which closes in the first year of the last war; the whole value exceeds 12 millions, and gives an annual medium of more than 700,000*l.* The last period of 17 years end at Christmas 1773, and renders a total of more than 19 millions, and more than 1,100,000*l.* at the annual medium. I only observe in this place, that the increase of the latter upon the former is in the proportion of eleven to seven; and of the value in both two-thirds are British goods, and one-third only foreign.

A second set of accounts contain the exports to North America. The first 17 years yield more than 17 millions in the whole, and than one million at the annual medium. The last period renders more than 40 millions in the whole, and largely more than 2,300,000*l.* at the annual medium; an increase upon the former in a proportion of 23 to 10, with a value in both of three-fourths British goods to one-fourth foreign.

The third account relates to Africa, whose commerce with England owes its existence to her colonies. The first 17 years reach nearly to three millions, and to an annual medium something short of 180,000*l.* the last 17 years nearly to eight millions, and an annual medium of 470,000*l.* an increase upon the first in a proportion of 47 to 18, with a value in each of two-thirds British goods to one-third foreign.

On this augmentation of exports to your colonies, irrefragable proof is founded, that through whatever channels riches have flowed among them, that influx hath made a passage from them to the mother country, and in the most wholesome mode; not like the dash of an oriental torrent, but in salubrious, various, placid, and copious streams, refreshing and augmenting sober industry by additional employment to thousands, and ten thousands of families, and lightening the burthen upon rents, by reducing the contribution of parishes to poverty unemployed.

But this requires a further explanation. The date of the last period is the commencement of the last war. The expenditure of public money was one source of wealth to the West Indies. That temporary acquisition being soon exhausted, by its return to England, sufficient sums were procured upon credit after the peace, to cultivate new land and improve the old, still further enlarging the consumption of our commodities there and in Africa, that from the year of the peace to Christmas 1773, the import of sugar only to England, who, without her West Indies, must purchase that immense article from foreigners, hath risen from 130,000 to 170,000 hogsheads, an augmentation in value of 800,000*l.*

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The public expenditure, being much larger in North America, produced a proportionate effect on the consumption of our manufactures through that continent. This money returned from its peregrination to the mother country by 1764, or 1765 at the furthest. But, as the West Indies had a succedaneum, so had North America through a new opening of trade, which converted the misfortune of England into a blessing. Though I am convinced, that the same number of hands at least is devoted to agriculture here, and that the earth at a medium of years hath yielded the same increase; as we have been disposed to consume it all among ourselves, or as our presumption may impute the scarcity to Providence restraining the fertility of our soil for ten years past, in either case we could not spare, as heretofore, our grain to the foreigner; a reduction in our exports one year with another of more than 600,000*l.* The American subject took place of the British in markets we could no longer supply, extended their vent from season to season, and from port to port, and by a circuition of fresh money, thus acquired by themselves, added fresh numbers to your manufactures, the rents of land increasing at the same time, till the amount of exports to North America for the last three years, ending at Christmas 1773, stand upon your papers at 10 millions and a half, or 3 millions and a half at the annual medium; add 1,300,000*l.* the medium of the same three years for the West Indies, and 700,000*l.* for Africa, and the total value of exports to the colonies, nearly in a proportion of three fourths British to one fourth foreign goods, is 5 millions and a half at the medium of these three years, ending at Christmas, 1773. A slight matter this to the great question before you, says the general voice without doors, and readily admitted without the ceremony of proof. This I mention by way of preparation to introduce the most material account of all; which will demonstrate, that the magnitude of 5 millions and a half, exported in the colony branches, the West Indian, North American, and African, is not to be considered as an object so striking in itself, as in comparison with the whole export of England to all countries whatsoever. The annual medium for twelve years back stands on these papers at less than 15 millions; but as I have limited the colony branch to 1771, 2 and 3, I shall take the general exports during that period, which renders a medium of 16 millions. What part is the colony branch? Five and a half is rather more than a third. Does the magnitude appear in a stronger light by the comparison? Or hath it been admitted in this view, before it was stated? Be it so. I have something behind, perhaps enough for the keenest appetite of admission to digest.

Sir, one part of our exports to foreigners is supplied by colony produce, tobacco, rice, sugar, &c. through Great Britain, for a million sterling at a low estimation. Add 2 millions more, exported of all kinds from England to her principal colony, Ireland, and both to the former 5 millions and a half; your whole colony branch will then exceed the half of your whole export in the proportion of eight and a half to sixteen.

Thanks to the care and forecast of our forefathers one hundred and twenty years since. In the circle of ancient trade, narrow in comparison with the modern, the great trading states, Carthage pre-eminent to all, suffered but little from rivalship. All in Europe are our rivals, all devoted to manufacture and traffic, as capital pursuits of policy: while we, struggling with such competition, have in some instances already experienced its hurtful effects, and must prepare for more; we had always one consolation left, that our colony trade, kept to ourselves by old and salutary regulations, hath been augmenting from period to period, till at present it constitutes more than half of the whole, with a prospect of further growth, rather than diminution, unless we create our own rivals.

One more observation remains, of all the most important, so far as safety to a state is a consideration above all others. Of this trade, the part which depends on the associated provinces, contributes in naval stores, in other low priced and bulky commodities more to the British marine, than triple the present exports in commodities of such higher value, and if shipped so largely in foreign bottoms to the foreign market. Such was your situation.

Upon the present question I will not take that larger half before-mentioned for my ground. I will deduct the 2 millions to Ireland, and the odd 500,000*l.* furnished to provinces not of the combination, though they did not receive more than 400,000*l.* in value, at the medium of

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these three last years; when there will remain six millions out of the eight and a half: nay, I will further reduce the six by nearly 700,000*l.* to remove all suspicion of exaggeration, and to make an exact third of the sixteen; and which is the part immediately affected by the association in North America.

From this ground see what is put in hazard; not merely a monied profit, but our bulwark of defence, our power in offence, the arts and industry of our nation. Instead of thousands and ten thousands of families in comfort, a navigation extensive and enlarging, the value and rents of land yearly rising, wealth abounding, and at hand for further improvements, see, or foresee, that this third of our whole commerce, that sole basis of our empire, and this third in itself the best, once lost, carries with it a proportion of our national faculties, our treasure, our public revenue, and the value of land, succeeded in its fall by a multiplication of taxes to reinstate that revenue, an increasing burden on every decreasing estate, decreasing by the reduced demand of its produce for the support of manufacture and manufacturers, and menaced with a heavier calamity still, the diminution of our marine, of our seamen, of our general population, by the emigrations of useful subjects, strengthening that very country you wish to humble, and weakening this in the sight of rival powers, who wish to humble us.

Having been hitherto merely general, I must now descend to a detail, but of parts so large, that each is separately big with sufficient evils to draw the utmost stretch of your attention. I begin with those which threaten the West Indies.

To recapitulate the heads of that material evidence, delivered by Mr. Walker and Mr. Ellis, would be tedious in me, unnecessary in itself. Leaving it therefore to its own powerful impression, I here add only, in a general mode of my own, that of the inhabitants of those islands above four hundred thousand are blacks; from whose labours the immense riches there, so distinctly proved at your bar, are derived, with such immense advantage to these kingdoms. How far these multitudes, if their intercourse with North America is stopped, may be exposed to famine, you have heard. One half in Barbadoes and the Leeward islands, say one hundred thousand negroes, in value at least four millions sterling, possibly, it grieves me to say probably, may perish. The remainder must divert to provisions the culture of the produce so valuable to Great Britain. The same must be the practice in great part throughout Jamaica, and the new settled acquisitions. They may feel a distress just short of destruction, but must divert for subsistence so much labour as, in proportion, will shorten their rich product. In fact, why should they raise the latter, if lumber should be wanting for its package to Great Britain? How vague, how uncertain, how nearly impracticable would be a supply of these necessaries through any new channel, I need not repeat; but shall close this head with another short general state, in confirmation of Mr. Walker's most accurate detail. The gross amount of imports, at an annual medium, from these now unfortunate islands, exceed four millions; 190,000 casks of sugar and rum, besides many other articles, the bulky loading for such a multitude of vessels, more than authorise my assertion. Of these annual four millions, the exchequer receives its proportion, the navigator and merchant theirs; the rest centers with the planter: and how distributed by him? In the purchase of 1,300,000*l.* in our exports direct, and the largest part of 700,000*l.* more in circuition through Africa for a constant supply of negroes. What is left, considerable as it may be among residents here, is applied to home consumption; not with a sparing hand, and to investments, upholding the price of land and the credit of public funds. At the same time they are furnishing commodities to us of such necessary use, which else must be paid for to foreigners, and with a superfluity for foreign consumption likewise; I avoid comparison, but judge from this state how valuable a subject is the planter. All these benefits, the healthy progeny of active trade, all or part must sleep as in a grave, during a total or partial stagnation.

Upon the North American imports I shall only remark, that the most considerable part of their bulky productions is bought by the foreigner, and of the amount consumed in Great Britain, the exchequer hath a capital share. Nor will I take North America for a companion in my present melancholy walk, because she may prove the only gainer, and as the community become more sound and healthy, while every other member of the empire lies bleeding. But my heart bleeds when, renewing my gloomy progress, I turn a view towards one kingdom, a great mem-

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ber, which may unhappily be distinguished above all sufferers in the present conjuncture; I mean the kingdom of Scotland: and among my honourable hearers, they whose particular attention I may now engage, have no cause to doubt the sincerity of my feelings. I have taken equal pains with the accounts of exports from that kingdom, as from this. The papers I could collect began at Christmas 1748, and end at Christmas 1772, with two years wanting; a circumstance, however, which will not in the least impede me in illustrating the progress and improvement of the North British trade. A first period shews an annual medium of about 500,000*l.* In a second it rises to 860,000*l.* In a third to 1,150,000*l.* And in the last for 1770, 1771, and 1772, to 1,700,000*l.* of which about 400,000*l.* is colony export, exclusive of Ireland, and the far greater part to the tobacco provinces, where many of my most worthy friends have a property lying much larger than I chuse to conjecture. To this I add a known export of linen exceeding 200,000*l.* supplied to England for American use. The whole may be little short of 700,000*l.* but calling it six, I ask, if Scotland can well endure a stagnation of such a value for twelve months to come? Whether their export to Ireland of 3 to 400,000*l.* will be affected; and how far emigration, of late so prevalent, may be extended by the pressure of a new calamity, I will not forbode. Sir, I feel—Sir, those feelings forbid me to expatiate further—I chuse to drop the subject—observing only, that the colony export from Scotland is to their whole much in the same proportion with ours; I will now pass over to Ireland.

That kingdom takes from England and Scotland little short of 2,400,000*l.* annually in goods. How doth she pay for them? A large part in linen and yarn, the remainder in cash, acquired by her foreign traffic. In the printed report to this House, from their linen committee, it appears, that in 1771 the linen made and brought to market for sale in that kingdom, for its own use and ours, amounted to 2,150,000*l.* and the yarn exported to about 200,000*l.* This immense value, the employment of such numbers, hath its source in North America. The flax-seed from thence, not worth 40,000*l.* a trifle to that continent, forms the basis of Ireland, and reverts largely in manufacture from her to the original seat of growth. In reply, what is the cry of my magnanimous countrymen without doors? Dignity! Supremacy! The evil hour is advancing, not yet come; no sooner come, than felt: it may produce a discovery too late, that high-sounding words imply no food to the hungry, no raiment to the naked; and these throughout our empire may amount to millions in number.—But new channels of supply shall be found; our potency can surmount all difficulties. It is full time to begin the essay in Ireland, lest, during the experiment, emigration so constant there, should change to depopulation in the Protestant quarters.

I now return to England, not a member, but the head. Her sorrows I will leave to the contemplation of that superior class, which must be the ultimate and permanent sufferer. The sage Mr. Locke would tell the country gentleman, that his visible property must replace the loss of public revenue; that he must provide for a nation of hungry and naked, or sink into utter debility and despondency; when the sun rises no more on this once flourishing island, but to see the desertion of inhabitants, and a wretched remnant wandering unclad and unfed in lamentation over a wilderness.

I have mentioned the revenue, and shall now be very concise upon that head: deducting bounties and drawbacks, the neat receipts at the exchequer from duties and excise on West India productions I venture to set at more than 700,000*l.* and another receipt in the North American branch, at just so much as with the former, may render a total of one million. To that amount the public revenue is immediately concerned. Consequential loss, for instance, in the great article of tea, for want of the usual supply of sugar, or in any other articles, I do not dwell upon here, but leave to reflection.

Thus far, Sir, I hope that I have proved what was your situation, happy in receiving from your colonies all the possible advantage attainable in the nature of things. Could our forefathers, the authors of such a system, which, exclusive of foreign profit, could bring the numerous subjects of the same state in such dispersed habitations over the earth, thousands and thousands of miles asunder, to a concurrence in the extirpation of idleness, in promoting the comfort, and calling forth the faculties of each other:—Could those venerable founders of a structure so stupendously great arise, and seeing it brought to such perfection by time and experience, yet

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find it within the last ten years so roughly handled in a conflict with finance, what looks would they cast on their blinded posterity, almost the whole British people, who, on every start of pecuniary contribution from America, have, under three administrations, been open-mouthed, and are still for American taxation? Let the three administrations have all the justification of 'defendit numerus, junctæque um-'bone phalagens.' But I, an unconnected man, firmly pronounce, that the consenting voice of all mankind cannot make two and two, more or less than four; that the *Vox Populi* is not always the *Vox Dei*, and among us, upon the present subject, resembles the popular cry in old Jerusalem of, Crucify! Crucify!

Yet, Sir, I likewise sincerely wish that the gloomy aspect I have given to our future situation may be all nugatory, all mis-representation unintended, but not therefore less the result of error and blindness. Hitherto I have looked on one side of the question only; permit me now to contemplate the other.

It is the general acceptation, that the associated provinces submit, in consequence of the measures taken. The measures I allude to are public facts; and, with some relief to my own dejection, I apply them to introduce another fact incontestible and brilliant, whereon I gladly dwell for a while: it is a subject of praise, requiring but few words, because it is true. I have named the Romans; we have among us a select body, whom I compare with them, as their equals at any the most distinguished epoch of their martial science and prowess. I will not hazard a panegyric. The grateful sensations of all our memories retain the illustrious and recent achievements of the British military by land and sea, with a warmth which would render the most elaborate encomium spiritless and cold. But themselves, lettered gentlemen of England, and versed in history, will allow, that the peculiar superiority derived from discipline, possessed by them in its highest excellence, is but the effect of human art; that there are left at large in human nature certain sparks, whose occasional concurrence produces operations not to be circumscribed or controuled by art or power, and hath caused such wonderful vicissitudes, recorded in times past, but, I hope, will make no part of our future annals: I allude to that violent agitation of the soul, enthusiasm. Such vicissitudes, not to be shunned by art or power, merit the most attention when most is set upon a cast.

Many without doors have treated the existence of this uncontrolable spirit as imaginary. I did not reason with those who either feel no enthusiasm for any thing serious, or retain just so much as may be requisite in the eager pursuit of diversions, pleasures or profit. I would have accompanied others more speculative through their several gradations of hope, still disappointed, and still reviving, but for one observation, which I have generally kept concealed, but will soon reveal to you. But for this observation I might have concurred with the public belief, that the capital of a province, now declared in rebellion, would have submitted on the landing of a few regiments; this failing, that other provinces, from ancient jealousy and disgust, would not have interfered, rather sought their own advantage out of that town's distress; this failing, that they never would have proceeded to the length of constituting a certain inauspicious assembly among themselves; this failing, that the members of such assembly would have disagreed, and not framed a single resolution. This last hope having proved abortive, a new one is popularly adopted, that the first intelligence of enforcing measures, at least the bare commencement of their execution, will tame the most refractory spirits. I will here state the grounds of this, and all the preceding hopes; afterwards, with your indulgence, the ground of my original and continued doubts.

Our trading nation naturally assumed, that the present contention would be with traders in America. The stock of a trader, whether his own, or in part, and often the greatest part a property of others, confided in him, is personal, lodged in a magazine, and exposed in seasons of commotion to instantaneous devastation. The circumstance of such property, the considerations suggested by common prudence, by the sense of common justice to those who have given a generous credit, rarely make room for that intrepidity which meets force with force. Hence I admit, that the mere traffickers would have submitted at first, and will now, whenever they dare. The reason why they have not dared, is the foundation of my doubts.

I am speaking to an enlightened assembly, and conversant with their own annals. In those ages, the reverse of commercial, when your ancestors filled the

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ranks of men at arms, and composed the cavalry of England, of whom did the infantry consist? A race unknown to other kingdoms, and in the present opulence of traffic almost extinct in this, the yeomanry of England; an order of men possessing paternal inheritance, cultivated under their own care enough to preserve independence, and cherish the generous sentiments attendant on that condition, without superfluity for idleness or effeminate indulgence. Of such doth North America consist. The race is revived there in greater numbers, and in a greater proportion to the rest of the inhabitants; and in such the power of that continent resides. These keep the traffickers in awe. These, many hundred thousands in multitude, with enthusiasm in their hearts, with the Petition, the Bill of Rights, and the Acts of Settlement, silent and obsolete in some places, but vociferous and fresh, as newly born among them; these, hot with the blood of their progenitors, the enthusiastic scourges at one period, and the revolutional expellers of tyranny at another; these, unpractised in frivolous dissipation and ruinous profusion, standing armed on the spot, delivered down from their fathers, a property not moveable, nor exposed to total destruction, therefore maintainable, and exciting all the spirit and vigour of defence: these, under such circumstances of number, animation and manners, their lawyers and clergy blowing the trumpet, are we to encounter with a handful of men, sent 3,000 miles over the ocean to seek such adversaries on their own paternal ground.* But these will not fight, says the general voice of Great Britain. Agreed. I desire to meet my antagonists in argument upon no better ground.

That exports to the associated provinces have ceased for months, is a fact. May not their non-importation agreement singly be a weapon sufficiently effectual in their hands, without striking a blow? Why strike without occasion?

To overset this suggestion, an assertion is brought, that necessity will break the combination. I take this fresh ground to shew, that necessity, in conjunction with enthusiasm, may produce a directly opposite effect. I throw but a transient glance on the extraordinary stock of goods laid in by the colonists last year, though said to be sufficient for the consumption of two. The arguments I shall use carry their own evidence with them. Let the population in the associated provinces be 3 millions, as delivered into the congress, or be reduced to two and a half, white and black. At a moderate computation per head, the quantity of goods, including all uses besides apparel, is not adequate to half their consumption, which I stated before to the amount of 3 millions sterling, without separating some considerable articles for the month. This annual supply they never did annually pay for, but always remained under a heavy debt to the mother country; a capital advantage to her, as shall be explained in its place. How is the other half of their consumption, unsupplied from hence, provided with the several articles for clothing and other necessaries? What is introduced through illicit trade with the foreigner must be paid for in ready money, and is chiefly for the rich and the few. How is the multitude supplied, dispersed over that vast continent, and at considerable distances from the sea? Sir, by the same means, and necessarily so, as are practised in most counties of these kingdoms. There are two kinds of manufacture; one active and systematic, collected under a superintendance, and brought to the markets of sale. The other is sedentary and domestic, obscure, but large; could the small and scattered parcels be gathered up for computation, as may be made of the former, from the records of public marts. The latter lies among the wives and children of rural, of rustic families; is applied to domestic use, and rarely sees a market for sale. In the same mode the American yeomanry are furnished among themselves. The domestic manufacture must, in course, be large for the use of such numbers; the active for sale is far from maturity among them: but necessity, urged against them, may extend the arts and materials, already indubitably possessed; and enthusiasm may stamp on their home-spun all the value, all the pride of ornament.

Sir, I foresee these differences with America will be composed, and how—Their silence becomes me best—It will be so late, that Great Britain must receive a

* The following remark might have been trite to the hon. hearer, but may not occur to every common reader, That if there are any seeds of talents and genius in a country, they are drawn into action and vigour by public ferments and troubles; but might have remained in times of tranquillity for ever useless and unknown, perhaps at the plough, under a shed, or amongst the lowest class of mechanics.

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wound, which no time can heal—A philosophical sense of dignity must step in under the shape of consolation.

This reflection I wish to obviate, and will state a strong question from the other side. Admitting, if I please, the practicability of the colonist supplying his wants with his own homely manufacture, improvable too by time and experience; yet will not an interruption to the vent of his own produce, and to the profits of his trade, be a loss of such magnitude, as may quickly, and with an intermediate stagnation, too short for us sensibly to feel, reduce his mind to a state of humiliation? The interruption, I allow, will be a loss to individuals, large to some, small to many, and operate in degrees proportionate to situations and tempers. The trading class foresee it already, and are humbled enough to submit, if they could. Those who keep them in awe, the multitude of small, but independent, proprietors of land, may feel their part of the loss so light, as not to relax the restiff spirit which they have manifested down to this day; and may be strengthened by a truth too obvious, that America, as a public, must be a gainer by such interruption.

She always hath been, and is now, largely indebted to the British merchants; a proof, that the neat value of her annual produce and remittances, through the circuitions of her trade, hath ever been short of her purchases here. So far as this difference reaches, whether small or large; so far as she substitutes more of her own labour in the stead of ours, for her own wants; just so much will be, on a general balance, a clear profit to her community, while the intercourse with ours is stopped, and a loss to Great Britain irrecoverable, so far as, during the melancholy interval, the arts of manufacture may be better established, and more extended in that continent; but if extended beyond frugal uses, the yeomanry there will sink into futile and enervating enjoyments, the source of venality and discord; and in their turn, verify a celebrated axiom in politics, that discontents, murmurs, profusion, and outward shew, are the sure signs of a state in decay.

Sir, you have repeatedly heard before this day of the large debt from the colonists to our merchants; an uncontrovertible truth, to the permanent amount of millions. Grieved as humanity must be at any occurrence which puts such a property and so many meritorious subjects in peril, or even under a temporary anxiety, yet such being the course of that trade, the effect of a voluntary conduct, public policy hath cause to rejoice, at the same time to acknowledge a high, though unsought obligation to the merchant, who, by this practice, holds in his hand the principal bond of colony dependence, enforces the Act of Navigation, and becomes in the public behalf the true guardian of that half divine law, the work of penetration and wisdom, equal to the great man who framed it. Illicit traffic is common to all regions and governments; nor to be avoided in any, but by a strict care not to lead into temptation. Upon the whole, no commercial regulation hath been more accurately observed than the Act of Navigation, to which the American congress most intelligibly submits, and which, in their deprivation of capital privileges and liberties, enjoyed by their fellow subjects here, comprehends their contribution for protection; an Act, which hath generally been well obeyed by them, and the merchant at home hath made it their interest. A foreign correspondent might account most justly for the neat proceeds of tobacco, rice, sugar, &c. but will not give credit for a stiver more; and for that reason doth not receive such consignments even from the less scrupulous observers of the law. The British merchant on a hundred pound, neated from a consignment, readily supplies the American's wants for a hundred and twenty, thirty, how far is immaterial. This accommodation he hath not, and through long habit doth not try to have from any quarter out of Great Britain, and therefore chuses to send his produce through her channel; nor will a few exceptions invalidate the argument: and till the awful volume of earthly vicissitudes shall disclose the fatal page, where that Omnipotent Hand, which hath lifted up and cast down the proudest dominion of old, may have written the designation of empire to the child; till then, the merchant of Great Britain will keep the child in all possible dependence on the parent.

Sir, after all, though my fellow subjects rise more and more in the flattering confidence, that the colonies will not adhere to their agreements, I do not commit myself in asserting the contrary; I do not pronounce, that they will; I only suggest, that they may; and on that supposition have attempted to shew, what England, Scotland, and Ireland stake on the

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contest; nothing less than a long-approved and successful system, embracing every circumstance of national stability, prosperity and lustre. For what this is put in hazard, I humbly hope, is a question too serious for casuistry; and, I humbly believe, solely to be measured by expediency and practicability, under the direction of that great council, which holds the guardianship of three kingdoms, and their boundless dependencies.

Right, authority, sovereignty, dignity, supremacy, are admitted to the utmost extent of their ground. Is there not another ground antecedent and original, that from the nature of mankind, there never was, nor is, and never will be a community who, after the possession of benefits, delivered down from father to son for more than a century, will be persuaded to relinquish such possession by any plea of law and right, urged with all the eloquence of advocates? A force superior to argument is requisite, which brings the question back to expediency and practicability.

Conceive not, Sir, that our very thoughts have presumed to interfere with the counsels or determinations of the state; but as the present subject of deliberation and measures is too pregnant with events not to run far into the future, we submissively hope, that the facts we have produced, and the deductions from them, if not in the present hour, may prove of some utility hereafter.

You in your future deliberations will separate the frivolous from the important, the specious and the plausible from the sound and the true. You, searching the depths of human nature, will not be misled by trite and popular opinion; and, when the force of self-interest is alleged at this momentous crisis, you will discover, that interest is not the predominant ruler of mankind—I repeat, that interest is not the predominant ruler of mankind. The few indeed are under that frigid influence; but the many are governed by passion, whose train I need not arrange. Perseverance in acts of violence from one quarter, and perseverance in another to suffer, may be in both the result of passion. Passion can misinterpret words, give solidity to empty sounds, and convert shadow to substance. Passion could give weight to the cry of the Church, when Sacheverell infatuated a nation, renowned above all others for solid sense and depth of thought.

To conclude: if, Sir, in any future operation, this honourable House may condescend to a moment's remembrance of us, our appearance may prove not altogether in vain. Although there is still much remaining to offer, permit us now to withdraw, unreproved, we hope, by you; but surely so by our own conscientious feelings in thus attempting our discharge of a duty to the public—Over the Acts already passed and passing I do not breathe out a word—only a parting sigh.

The House being resumed, Mr. Alderman Oliver reported from the Committee, That they had heard the Planters of his Majesty's sugar colonies residing in Great Britain, and the merchants of London, trading to the said colonies, by their agent; and had examined several witnesses, and made a further progress; and asked leave to sit again.

DEBATE IN THE COMMONS ON MR. BURKE'S RESOLUTIONS FOR CONCILIATION WITH AMERICA.] March 22. On the order of the day being read,

Mr. *Burke* rose and addressed the House as follows:*

I hope, Sir, that notwithstanding the austerity of the Chair, your good-nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found to my infinite surprise, that the grand penal Bill by which we had passed sentence on the trade and sustenance of America, is to be returned to us, from the other House.† I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favour; by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the

* From the Original Edition printed for J. Dodsley, Pall Mall.

† The Act to restrain the trade and commerce of the provinces of Massachuset's-Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned, under certain conditions and limitations.

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return of this Bill, which seemed to have taken its flight for ever, we are at this very instant nearly as free to choose a plan for our American government, as we were on the first day of the session. If, Sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject; or there is none so on this side of the grave. When I first had the honour of a seat in this House, the affairs of that continent pressed themselves upon us, as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains, to instruct myself in every thing which relates to our colonies. I was not less under the necessity of forming some fixed ideas, concerning the general policy of the British empire. Something of this sort seemed to be indispensable; in order, amidst so vast a fluctuation of passions and opinions, to concenter my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe, or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period, I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct, than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard any thing approaching to a censure on the motives of former parliaments to all those alterations, one fact is undoubted; that under them the state of America has been kept in continual agitation. Every thing administered as remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation;—a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member (Mr. Rose Fuller) of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politics, told me, things were come to such a pass, that our former methods of proceeding in the House would be no longer tolerated. That the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigour as cruel, and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected, that those who for many years had been active in such affairs should shew, that they had formed some clear and decided idea of the principles of colony government; and were capable of drawing out something like a platform of the ground, which might be laid for future and permanent tranquillity.

I felt the truth of what my hon. friend represented; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was indeed ever better disposed, or worse qualified, for such an undertaking than myself. Though I gave so far into his opinion, that I immediately threw my thoughts into a sort of parliamentary form, I was by no means

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equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government, except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule; not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government; nor of any politics, in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more; and that things were hastening towards an incurable alienation of our colonies; I confess my caution gave way. I felt this, as one of those few moments in which decorum yields to an higher duty. Public calamity is a mighty leveller; and there are occasions when any, even the slightest, chance of doing good, must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are, by what you *ought* to be, I persuaded myself, that you would not reject a reasonable proposition, because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure, that, if my proposition were futile or dangerous; if it were weakly conceived, or improperly timed, there was nothing exterior to it, of power to awe, dazzle, or delude you. You will see it just as it is; and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negociations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions; or the precise marking the shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and in its ordinary haunts.—It is peace sought in the spirit of peace; and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the mother country*, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people, when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendour of the project, which has been lately laid upon your table by the noble lord in the blue ribband.* It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace, at every instant, to keep the peace amongst them. It does not institute a magnificent auction of finances where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments, beyond all the powers of algebra to equalise and settle.

The plan, which I shall presume to suggest, derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the House in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bill of pains and

* Resolution moved by lord North in the committee; and agreed to by the House, Feb. 27, see p. 319.

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penalties—that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone farther; it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted, that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have had something reprehensible in it; something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think indeed, are very indifferently suited to the end; and this I shall endeavour to shew you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming, that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honour and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses for ever that time and those chances, which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide, are these two. First, whether you ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained (as I have just taken the liberty of observing to you) some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us. Because after all our struggle, whether we will or not, we must govern America, according to that nature, and to those circumstances; and not according to our own imaginations; not according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavour, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is—the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and colour; besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because, Sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will shew you, that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependant, who may be neglected with little damage, and pro-

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voked with little danger. It will prove, that some degree of care and caution is required in the handling such an object; it will shew that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished person, at your bar.* This gentleman, after thirty-five years—it is so long since he first appeared at the same place to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time, than, that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail; if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts; one a comparative state of the export trade of England to its colonies, as it stood in the year 1704, and as it stood in the year 1772. The other a state of the export trade of *this country* to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the inspector general's office, which has been ever since his time so abundant a source of parliamentary information.

* Mr. Glover, see p. 461.

The export trade to the colonies consists of three great branches. The African, which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian; and the North American. All these are so interwoven, that the attempt to separate them would tear to pieces the contexture of the whole; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus:

Exports to North America, and the West Indies	£.483,265
To Africa	86,665
	569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows:

To North America, and the West Indies	£.4,791,734
To Africa	866,398
To which if you add the export trade from Scotland, which had in 1704 no existence	364,000
	6,022,132

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelve-fold. This is the state of the colony trade as compared with itself at these two periods, within this century;—and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England, including that to the colonies, in 1704	£.6,509,000
Export to the colonies alone in 1772	6,024,000
Difference	485,000

The trade with America alone is now

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within less than 500,000*l.* of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented; and augmented more or less in almost every part to which it ever extended; but with this material difference; that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treating them must have this proportion as its basis; or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within 68 years. There are those alive whose memory might touch the two extremities. For instance, my lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quæ sit poterit cognoscere virtus*—Suppose, Sir, that the angel of this auspicious youth, foreseeing the many virtues, which made him one of the most amiable, as he is one of the most fortunate men of his age, had opened to him in vision, that, when, in the fourth generation, the third prince of the House of Brunswick had sat twelve years on the throne of that nation, which (by the happy issue of moderate and healing councils) was to be made Great Britain, he should see his son, lord chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to an higher rank of peerage, whilst he enriched the family with a new one—If amidst these bright and happy scenes of domestic honour and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him —"Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, shew itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilising conquests and civilising settlements in a series of 1,700 years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, Sir, if turning from such thoughts I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704, that province called for 11,459*l.* in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why nearly 50 times as much; for in that year the export to Pennsylvania was 507,909*l.* nearly equal to the export of all the colonies together in the first period.

I choose, Sir, to enter into these minute and particular details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could shew how many enjoyments they procure, which

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deceive the burthen of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed—but I must prescribe bounds to myself in a matter so vast and various.

I pass therefore to the colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded, they will export much more. At the beginning of the century, some of these colonies imported corn from the mother country. For some time past, the old world has been fed from the new. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit, by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay, and Davis's Streights, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them, than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness, to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt, and die away within me. My rigour relents. I pardon something to the spirit of liberty.

I am sensible, Sir, that all which I have asserted, in my detail, is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art, will of course have some predilection for it. Those who wield the thunder of the state, may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favour of prudent management, than of force; considering force not as an odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, Sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed, which is perpetually to be conquered.

My next objection is *uncertainty*. Terror is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no further hope of recon-

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ciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms, by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavours to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I do not choose to consume its strength along with our own; because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit, because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favour of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence. These, Sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce, I mean its *temper and character*.

In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation, which still I hope respects, and formerly adored, her freedom. The colonists emigrated from you, when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient common-wealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been acknowledged in ancient parchments, and blind usages, to reside in a certain body called a House of Commons. They went much further; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that, in all monarchies, the people must in effect themselves mediately or immediately possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered in twenty other particulars,

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without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error, by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If any thing were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people, is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants: and of that kind, which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them; and received great favour and every kind of support from authority. The church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world; and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the diffidence of dissent; and the Protestantism of the Protestant religion. This religion, under a variety of denominations, agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high; and in the emigrants was the highest of all: and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description; because in the southern colonies the church of England forms a large body, and has a regular establishment. It is certainly true. There is however a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas, they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free, are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves them-

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selves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states, that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my hon. and learned friend on the floor (the Attorney General) who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.* This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance, in weakening government. Seas roll, and months pass, between the order and the execution: and the want of a speedy explanation of a single point, is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that should fret and rage, and bite the chains of nature? Nothing worse happens to you, than does to all nations, who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre, is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed, as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources; of descent; of form of government; of religion in the northern provinces; of manners in the southern; of education; of the remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit, that unhappily meeting with an exercise of power in England, which, however lawful, is not reconcileable to any ideas of liberty, much less with theirs, has kindled this flame, that is ready to consume us.

I do not mean to commend either the

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spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded, that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. But the question is, not whether their spirit deserves praise or blame;—what, in the name of God, shall we do with it? You have before you the object; such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations, we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already? What monsters have not been generated from this unnatural contention? Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do, was to disturb authority; we never dreamt they could of themselves supply it; knowing in general what an operose business it is, to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit, the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that lord Dunmore (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the colonists having once found the possibility of enjoying the advantages of order, in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind, as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachuset. We were confident, that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigour, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us, that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important, and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home, by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties,

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we are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest enquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state, that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit, which prevails in your colonies and disturbs your government. These are—To change that spirit, as inconvenient, by removing the causes. To prosecute it as criminal. Or, to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, that of giving up the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans, to change the spirit as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses,[1] by men of weight, and received not without applause, that, in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Apalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander, without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government, by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and, in no long time, must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavour to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts; that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging in population to be neither prudent nor practicable.

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To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shewn a disposition to a system of this kind; a disposition even to continue the restraint after the offence; looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence, as very formidable. In this, however, I may be mistaken. But when I consider, that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous, to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity, may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character, which prevail in our colonies, are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation, in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale, would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion, as their free descent; or to substitute the Roman Catholic, as a penalty; or the church of England, as an improvement. The mode of inquisition and dragooning is going out of fashion in the old world; and I should not confide much to their efficacy in the new. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from the courts of law; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies, in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so effectual; and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves; and in this auspicious scheme, we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too; and arm servile hands in defence of freedom? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? From that nation, one of whose causes of quarrel with those masters, is their refusal to deal any more in that inhuman traffic? An offer of freedom from England, would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. "Ye gods, annihilate but space and time, and make two lovers happy!"—was a pious and pas-

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sionate prayer;—but just as reasonable, as many of the serious wishes of very grave and solemn politicians.

If then, Sir, it seems almost desperate to think of any alterative course, for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority; but that the spirit infallibly will continue; and, continuing, will produce such effects, as now embarrass us; the second mode under consideration is, to prosecute that spirit in its overt acts, as *criminal*.

At this proposition, I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissentions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow creatures, as sir Edward Coke insulted one excellent individual (sir Walter Raleigh) at the bar.* I am not ripe to pass sentence on the gravest public bodies, entrusted with magistracies of great authority and dignity, and charged with the safety of their fellow citizens, upon the very same title that I am. I really think, that for wise men this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states under one common head; whether this head be a monarch, or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges, and the supreme common authority, the line may be extremely nice. Of course disputes, often too very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather *ex vi termini*, to imply a superior power. For to talk of the privileges of a state or of a person, who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels, among the component parts of a great political union of communities, I can scarcely conceive any thing more completely imprudent, than for the head of the empire to insist, that, if any privilege is pleaded against his will, or his acts, that his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government, against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess, that the character of judge in my own cause, is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as these, the sense of mankind has, at least, as often decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favour would not put me much at my ease in passing sentence; unless I could be sure, that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right, and a culprit before me; while I sit as criminal judge, on acts of his, whose moral quality is to be

* See Howell's State Trials, vol. 2, p. 7, *et seq.*

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decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me, that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachuset's Bay, as they had formerly addressed to have traitors brought hither under an Act of Henry 8, for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shews how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less.—When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion, that the plan itself is not correctly right.

If then the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient, what way yet remains? No way is open, but the third and last—to comply with the American spirit as necessary; or, if you please to submit to it, as a necessary evil.

If we adopt this mode; if we mean to conciliate and concede; let us see of what nature the concession ought to be: to ascertain the nature of our concession, we must look at their complaint. The colonies complain, that they have not the characteristic mark and seal of British freedom. They complain, that they are taxed in a parliament, in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive, that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle—but it is true: I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine, whether the giving away a man's money be a power excepted and reserved out of the general trust of government; and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the "great Serbonian bog, betwixt Damiata and Mount Casius old, where armies whole have sunk." I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not, what a lawyer tells me, I may do; but what humanity, reason, and justice, tell me, I ought to do. Is a politic act the worse for being a generous one? Is no concession proper, but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise

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of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons.

Such is stedfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity, to all generations, yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millioh of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea therefore, without considering whether we yield as matter of right, or grant as matter of favour, is *to admit the people of our colonies into an interest in the constitution*; and, by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean for ever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a Revenue Act, upon its understood principle, might have served to shew, that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary; and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess, that they hope no good from taxation; but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced, that this was the intention from the beginning; and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman (Mr. Rice) of real moderation, and of a natural temper so well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse, whenever I hear it: and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege, that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord (North) in the blue ribband shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the Acts of Navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes: when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, Sir, the sleeping trade laws revive from their trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the

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inutility of the trade laws. For without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times, they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or, that the giving way in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter and the fewest of all, on trade laws. To judge which of the two be the real radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation? There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain? Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures? Surely it is preposterous at the very best. It is not justifying your anger, by their misconduct; but it is converting your ill-will into their delinquency.

But the colonies will go further.—Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of the conciliatory conduct? Is it true, that no case can exist, in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there any thing peculiar in this case, to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that, the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience; they did not, Sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavoured to put myself in that frame of mind, which was the most natural, and the most reasonable; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip the 2nd. The genius of Philip the 2nd might mislead them; and the issue of their affairs shewed, that they had not chosen the most perfect standard. But, Sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution. Consulting at that oracle (it was with all due humility and piety) I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no parliament. How far the English parliament itself was at that time modelled according to the present form, is disputed among antiquaries. But we have all the reason in the world to be assured, that a form of parliament, such as England then enjoyed, she instantly communicated to Ireland: and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil; and grew and flourished there. Magna Charta, if it did not give us originally

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the House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shews beyond a doubt, that the refusal of a general communication of these rights, was the true cause why Ireland was 500 years in subduing; and after the vain projects of a military government, attempted in the reign of queen Elizabeth, it was soon discovered, that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English constitution, that conquered Ireland. From that time, Ireland has ever had a general parliament, as she had before a partial parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their constitution; the principle of which was respected by usurpation; restored with the restoration of monarchy, and established, I trust, for ever, by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come; and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the 3rd. It was said more truly to be so by Edward the 1st. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed; and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander in chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government; the people were ferocious, restiff, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state, there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted, (but still with more question on the legality) to disarm New England by an instruction. They made an Act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another Act, where one of the parties was an Englishman, they ordained, that his trial should be always by English. They made Acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short when the Statute-book was not quite so much swelled as it is now, you find no less than fifteen Acts of penal regulation on the subject of Wales.

Here we rub our hands—a fine body of precedents for the authority of parliament and the use of it!—I admit it fully; and

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pray add likewise to those precedents, that all the while, Wales rid this kingdom like an *incubus;* that it was an unprofitable and oppressive burthen; and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was not, until after 200 years, discovered, that by an eternal law, Providence had decreed vexation to violence; and poverty to rapine. Your ancestors did however at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the 27th year of Henry 8, the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, the grant of their own property, seemed a thing so incongruous; that eight years after, that is, in the 35th of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales, by act of parliament. From that moment, as by a charm, the tumult subsided; obedience was restored; peace, order, and civilization, followed in the train of liberty—When the day-star of the English constitution had arisen in their hearts, all was harmony within and without—

"Simul alba nautis
"Stella refulsit,
"Defluit saxis agitatus humor:
"Concidunt venti, fugiúntque nubes:
"Et minax (quòd sic voluere) ponto
"Unda recumbit."

The very same year the county palatine of Chester received the same relief from its oppressions, and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard 2 drew the standing army of archers, with which for a time he oppressed England. The people of Chester applied to parliament in a Petition penned as I shall read to you.

"To the king our sovereign lord, in most humble wise shewn unto your excellent majesty, the inhabitants of your grace's county palatine of Chester; that where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country: (2.) And for as much as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of parliament, and yet have had neither knight nor burgess there for the said county palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same."

What did parliament with this audacious address?—Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman?—They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress; and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom and not servitude is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester

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was followed in the reign of Charles 2, with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester Act; and without affecting the abstract extent of the authority of parliament, it recognizes the equity of not suffering any considerable district in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now, if the doctrines of policy contained in these preambles, and the force of these examples in the acts of parliaments, avail any thing, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the Act of Henry 8 says, the Welsh speak a language no way resembling that of his majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America; was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic, than pervade Wales, which lies in your neighbourhood: or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, Sir, perhaps imagine, that I am on the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*—I cannot remove the eternal barriers of the creation. The thing in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident, have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths: not to the Republic of Plato, not to the Utopia of More; not to the Oceana of Harrington. It is before me—it is at my feet, "*and the rude swain treads daily on it with his clouted shoon.*" I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament; and, as to the practice, to return to that mode which an uniform experience has marked out to you as best; and in which you walked with security, advantage, and honour, until the year 1763.

My resolutions therefore mean to establish the equity and justice of a taxation of America, by *grant* and not by *imposition*. To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had *a dutiful and beneficial exercise;* and that experience has shewn the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply.*

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an im-

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mediate peace; and with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you together, with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution—"That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others to represent them in the high court of parliament."—This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of parliament.

The second is like unto the first—"That the said colonies and plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament, though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies, given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same."

Is this description too hot, or too cold, too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of parliament. "Non meus hic sermo, sed quæ præcepit Ofellus, rusticus, abnormis sapiens." It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country.—I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers; where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words; to let others abound in their own sense; and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this second resolution, which those who are resolved always to be in the right, will deny to contain matter of fact, as applied to the present case; although parliament thought them true, with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the two-pence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoyed such favours, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all, either wholly repealed or exceedingly reduced? Were they not touched and grieved, even by the regulating duties of the sixth of George 2? Else why were the duties first reduced to one third in 1764, and afterwards to a third of that third in the year 1766? Were they not touched and grieved by the Stamp Act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which, lord Hillsborough tells you (for the ministry) were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more

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taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue ribband, now standing on your Journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is—"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies." This is an assertion of a fact. I go no further on the paper; though in my private judgment, an useful representation is impossible; I am sure it is not desired by them; nor ought it perhaps by us; but I abstain from opinions.

The fourth resolution is—"That each of the said colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or general court, with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is, "an aid to his Majesty;" and acts granting to the crown have regularly for near a century passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenor every session. Sir, I am surprised, that this doctrine should come from some of the law servants of the crown. I say, that if the crown could be responsible, his Majesty—but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually in the colonies, are in an habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attornies and all solicitors general! However, they are safe; as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact—"That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament." To say nothing of their great expences in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695; not to go back to their public contributions in the year 1710; I shall begin to travel only where the Journals give me light; resolving to deal in nothing but fact, authenticated by parliamentary record; and to build myself wholly on that solid basis.

On the 4th of April, 1748, a committee of this House came to the following Resolution:

"Resolved, That it is the opinion of this committee, *That it is just and reasonable* that the several provinces and colonies of Massachuset's Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expences they have been at in taking and securing to the crown of Great Britain, the island of Cape Breton and its dependencies."

These expences were immense for such colonies. They were above 200,000*l.* sterling; money first raised and advanced on their public credit.

On the 28th of January, 1756,* a message from the king came to us, to this effect—"His majesty, being sensible of the zeal and vigour with which his faithful subjects of certain colonies in North America have exerted themselves in defence of his majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his majesty to give them such assistance as may be a *proper reward and encouragement.*"

On the 3rd of February, 1756, the House came to a suitable resolution, expressed in words nearly the same as those of the message: but with the further addition, that the money then voted was as an *encouragement* to the colonies to exert themselves with vigour. It will not be

* See vol. 15, p. 664.

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necessary to go through all the testimonies which your own records have given to the truth of my resolutions. I will only refer you to the places in the Journals: Vol. xxvii.—16th and 19th May, 1757. Vol. xxviii.—June 1st, 1758—April 26th and 30th, 1759—March 26th and 31st, and April 28th, 1760—Jan. 9th and 20th, 1761. Vol. xxix.—Jan. 22d and 26th, 1762—March 14th and 17th, 1763.

Sir, here is the repeated acknowledgement of parliament, that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things; first, that the colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition, what is scattered through your Journals. I give you nothing but your own; and you cannot refuse in the gross, what you have so often acknowledged in detail. The admission of this, which will be so honourable to them and to you, will, indeed, be mortal to all the miserable stories, by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded, that the Americans, who paid no taxes, should be compelled to contribute. How did that fact of their paying nothing stand, when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this House, that the colonies were then in debt 2,600,000*l.* sterling money; and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of 650,000*l.* a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine: the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the crown, and the sense of parliament, on the productive nature of a *revenue by grant*. Now search the same Journals for the produce of the *revenue by imposition*—Where is it?—let us know the volume and the page—what is the gross, what is the net produce?—to what service is it applied?—how have you appropriated its surplus?—What, can none of the many skilful index-makers, that we are now employing, find any trace of it?—Well, let them, and that, rest together.—But are the Journals, which say nothing of the revenue, as silent on the discontent? Oh no! a child may find it. It is the melancholy burthen and blot of every page.

I think then I am, from those Journals, justified in the sixth and last resolution, which is—"That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the said colonies, and more beneficial, and conducive to the public service, than the mode of giving and granting aids in parliament, to be raised and paid in the said colonies." This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say, that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert, that you took on yourselves the task of imposing colony taxes, from the want of another legal body, that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is;—whether you will chuse to abide by a profitable experience, or a mischievous theory; whether you chuse to build on imagination or fact; whether you prefer enjoyment or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, every thing which has been made to enforce a contrary system, must, I take it for granted, fall along with it. On that

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ground, I have drawn the following Resolution, which, when it comes to be moved, will naturally be divided in a proper manner: "That it may be proper to repeal an Act, made in the seventh year of the reign of his present Majesty, intituled, An Act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoa-nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.—And that it may be proper to repeal an Act, made in the 14th year of the reign of his present Majesty, intituled, An Act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachuset's Bay, in North America.—And that it may be proper to repeal an Act, made in the 14th year of the reign of his present Majesty, intituled, An Act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachuset's Bay, in New England. And that it may be proper to repeal an Act, made in the 14th year of the reign of his present Majesty, intituled, An Act for the better regulating the government of the province of Massachuset's Bay, in New England. And, also, that it may be proper to explain and amend an Act, made in the 35th year of the reign of king Henry the 8th, intituled, An Act for the trial of treasons committed out of the king's dominions."

I wish, Sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the king's pleasure) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining Bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence, which induced you not to extend equal punishment to equal guilt, even when you were punishing, induce me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence, and accommodation to circumstances, prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachuset's colony, though the crown has far less power in the two former provinces than it enjoyed in the latter; and though the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachuset's Bay. Besides, Sir, the Act which changes the charter of Massachuset's is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the governor to change the sheriff at his pleasure; and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The Act for bringing persons accused of committing murder under the orders of government to England for trial, is but temporary. That Act has calculated the probable duration of our quarrel with the colonies; and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious Act.

The Act of Henry 8th, for the trial of treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiassed judicature: for which purpose, Sir, I propose the following Resolution: "That, from the time when the general assembly or general court of any colony or plantation in North America, shall have appointed by act of assembly, duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior court, it may be proper, that the said chief justice and other judges of the superior courts of

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such colony, shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives severally, of the colony in which the said chief justice and other judges have exercised the said offices."

The next Resolution relates to the courts of admiralty. It is this:—"That it may be proper to regulate the courts of admiralty, or vice-admiralty, authorized by the 15th chap. of the 4th of George the 3rd, in such a manner as to make the same more commodious to those who sue or are sued, in the said courts, and to provide for the more decent maintenance of the judges in the same."

These courts I do not wish to take away: they are in themselves proper establishments. This court is one of the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is, indeed, on many accounts, more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The congress complain, and complain justly of this grievance.*

These are the three consequential propositions. I have thought of two or three more; but they came rather too near detail, and to the province of executive government, which I wish parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed, will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

Here, Sir, I should close; but that I plainly perceive some objections remain which I ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester Act, I prove too much; that the grievance from a want of representation stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of parliament, and not mine;* and, that all false and inconclusive inferences, drawn from them, are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of parliament, formerly moved to have read at your table, in confirmation of his tenets. It is true, that lord Chatham considered these preambles as declaring strongly in favour of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume, that these preambles are as favourable as possible to both, when properly understood; favourable both to the rights of parliament, and to the privilege of the dependencies of this crown? But, Sir, the object of grievance in my resolution, I have not taken from the Chester, but from the Durham Act, which confines the hardship of want of representation to the case of subsidies; and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure*, or *de facto*, bound, the preambles do not accurately distinguish; nor indeed was it necessary; for whether *de jure*, or *de facto*, the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know, that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct, or their expressions, in a state of disturbance and irritation. It is besides a very great mistake to imagine, that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support

* The Solicitor General informed Mr. Burke when the Resolutions were separately moved, that the grievance of the judges partaking of the profits of the seizure had been redressed by office; accordingly the Resolution was amended.

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any given part of our constitution; or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and, we chuse rather to be happy citizens, than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire. But in all fair dealings the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for it all essential rights, and all the intrinsic dignity of human nature. None of us who would not risk his life, rather than fall under a government purely arbitrary. But, although there are some amongst us who think our constitution wants many improvements, to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement, by disturbing his country, and risking every thing that is dear to him. In every arduous enterprise, we consider what we are to lose, as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man.* Man acts from adequate motives relative to his interest; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature; when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces; and I confess, I feel not the least alarm, from the discontents which are to arise, from putting people at their ease; nor do I apprehend the destruction of this empire, from giving, by an act of free grace and indulgence, to two millions of my fellow citizens, some share of those rights, upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire; which was preserved, entire, although Wales, and Chester, and Durham, were added to it. Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts, excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature; which, far from distracting, promoted the union of the whole. Every thing was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire, than I can drawn from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord (North) on the floor, which has been so lately received, and stands on your Journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large, when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction;—because it is a mere project. It is a thing new; unheard of; supported by no experience;

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justified by no analogy; without example of our ancestors, or root in the constitution.

It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili*, is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects; the peace of this empire.

Secondly, it is an experiment which must be fatal in the end to our constitution. For what is it but a scheme for taxing the colonies in the anti-chamber of the noble lord and his successors? To settle the quotas and proportions in this House, is clearly impossible. You, Sir, may flatter yourself, you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back-door of the constitution. Each quota must be brought to this House ready formed; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain, that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them indeed, that you will leave the mode to themselves. I really beg pardon: it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For, suppose the colonies were to lay the duties which furnished their contingent, upon the importation of your manufactures; you know you would never suffer such a tax to be laid. You know too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found, that you will neither leave to themselves the quantum nor the mode; nor indeed any thing. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents, on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion, that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies, who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies, who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburthened. What will you do? Will you lay new and heavier taxes by parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that in the way of taxing, you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota: how will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, or the goods of some other obedient, and already well taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you, with a clue, to lead you out of it? I think, Sir, it is impossible, that you should not recollect that the colony bounds are so implicated in one another (you know it by your other expe-

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riments in the Bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burthen those whom upon every principle, you ought to exonerate. He must be grossly ignorant of America, who thinks, that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central, and most important of them all.

Let it also be considered, that, either in the present confusion you settle a permanent contingent, which will and must be trifling; and then you have no effectual revenue; or you change the quota at every exigency; and then on every new repartition you will have a new quarrel.

Reflect, besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years arrears. You cannot issue a treasury extent against the failing colony. You must make new Boston port bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue, and the worst army, in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed the noble lord, who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies, than for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste*. I say, this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But whatever his views may be, as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburthened by what I have done to day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs, I have steadily opposed the measures that have produced the confusion, and may bring on the destruction of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what (says the financier) is peace to us without money? Your plan gives us no revenue. No! But it does—For it secures to the subject the power of refusal; the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you 152,752*l.* 11*s.* 2*d.*$\frac{3}{4}$, nor any other paltry limited sum.—But it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca.* Cannot you in England; cannot you at this time of day; cannot you, a House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England, and false every where else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that, in any country, a body duly constituted for any function, will neglect to per-

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form its duty, and abdicate its trust? Such a presumption would go against all governments in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that besides the desire which all men have naturally of supporting the honour of their own government; that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world.

Next we know, that parties must ever exist in a free country. We know too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared, that the people will be exhausted, than that government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained; will be narrow, feeble, uncertain, and precarious. "Ease would retract vows made in pain, as violent and void."

I, for one, protest against compounding our demands: I declare against compounding, for a poor limited sum, the immense, overgrowing, eternal debt, which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst œconomy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

But to clear up my ideas on this subject—a revenue from America transmitted hither—do not delude yourselves—you never can receive it—No, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition; what can you expect from North America? for certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East-India Company. America has none of these aptitudes. If America gives you taxable objects, on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments; she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties, which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government;—they will cling and grapple to you; and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and every thing hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have any where. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your na-

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tural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond, which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion, that gives all their life and efficacy to them. It is the spirit of the English constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies, every part of the empire, even down to the minutest member.

Is it not the same virtue which does every thing for us here in England? Do you imagine then, that it is the Land Tax Act which raises your revenue; that it is the annual vote in the committee of supply, which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us; a sort of people who think that nothing exists but what is gross and material; and who therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth every thing, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our places as becomes our station and ourselves, we ought to auspicate all our public proceedings on America, with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honourable conquests; not by destroying, but by promoting, the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (quod felix faustumque sit) —lay the first stone of the temple of peace; and I move you, &c.

Mr. Burke concluded with moving the first of the following Resolutions:

"1. That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament."

"2. That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament; though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country, *by lack whereof, they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace, of the subjects inhabiting within the same.*"

"3. That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies."

"4. That each of the said colonies hath within itself a body, chosen, in part or in the whole, by the freemen, freeholders, or

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other free inhabitants thereof, commonly called the general assembly, or general court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."*

"5. That the said general assemblies, general courts, or other bodies, legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament."

"6. That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the inhabitants of the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in parliament to be raised and paid in the said colonies."

"7. That it may be proper to repeal an Act, made in the 7th year of the reign of his present Majesty, intituled, An Act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa-nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthen-ware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations."

"8. That it may be proper to repeal an Act, made in the 14th year of the reign of his present Majesty, intituled, An Act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping of goods, wares, and merchandize, at the town, and within the harbour, of Boston, in the province of Massachuset's Bay, in North America."

"9. That it may be proper to repeal an Act, made in the 14th year of the reign of his present Majesty, intituled, An Act for the impartial administration of justice, in cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachuset's Bay, in New England."

"10. That it is proper to repeal an Act, made in the 14th year of the reign of his present Majesty, intituled, An Act for the better regulating the government of the province of Massachuset's Bay, in New England."

"11. That it is proper to explain and amend an Act, made in the 35th year of the reign of King Henry 8, intituled, An Act for the trial of treasons committed out of the King's dominions."

"12. That, from the time when the general assembly, or general court, of any colony or plantation, in North America, shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justice and judges of the superior courts, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said office."

"13. That it may be proper to regulate the courts of admiralty, or vice-admiralty, authorised by the 15th chapter of the 4th of George 3, in such a manner, as to make the same more commodious to those who sue, or are sued, in the said courts; *and to provide for the more decent maintenance of the judges of the same.*"

The question being put on the first Resolution, Mr. Burke was answered by the Attorney General, who displayed great dexterity and address in his observations on the plan. The other speakers on that side were, Mr. Jenkinson, Mr. Cornwall, lord Frederick Campbell, and others. The motions were supported by lord John Cavendish, Mr. Hotham, Mr. Tuffnell, Mr. Sawbridge, and by Mr. Fox, who spoke with the greatest ability and spirit.

The ministerial side did not in general so much object to this plan, as repeat and inforce their general arguments on the supremacy of the British parliament, and in favour of the policy and necessity of American taxation. They denied that the American assemblies ever had, at any time, a legal power of granting a revenue

* The words in italics were, by an amendment that was carried, left out of the motion.

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to the crown. That this was the privilege of parliament only, and could not be communicated to any other body whatsoever: for this

Mr. *Jenkinson* quoted the famous Act for securing the rights and liberties of the subject, commonly called the Declaration of Right; which, as they insisted, clearly inforced the exclusive right of taxing in parliament all parts of the King's dominions. The article is as follows, that "Levying money for, or to the use of the crown, by pretence of prerogative, without grant of parliament, for a longer time, or in other manner than the same is or shall be granted, is illegal." This, he said, was not only prudent but necessary. The right of taxing was inherent in the supreme power; and by being the most essential of all powers, was the most necessary, not only to be reserved in theory, but exercised in practice; or it would, in effect, be lost, and all other powers along with it. It was, he said, a great mistake, that the establishment of a parliament in Ireland precluded Great Britain from taxing that kingdom. That the right of taxing it, had always been maintained and exercised too, whenever it was thought expedient, and ought undoubtedly always to be so, whenever the British parliament judged proper; having no other rule in this respect, but its own discretion. That all inferior assemblies were only like the corporate towns in England, who had a power, like them, of making bye-laws, and nothing more. He recommended the example of the French government in their provinces called Pais d'etats; where, though the people seem to grant, yet, in reality, the mode alone of raising the tax is left to the province; the crown always fixing the sum to be raised. These grants are, therefore, not free; but, as one of their own writers, Voltaire, calls them, *repertus libres*, reputed free; and that the people were so well satisfied with this reputed freedom, that they never have refused to grant, except once, when the states of Languedoc were refractory: but an army being sent to reduce them, they were brought to obedience, and have been ever since perfectly quiet. This was the substance of Mr. Jenkinson's speech.

Lord *Frederick Campbell* took up the same maxims, and maintained them with great warmth; declaring, that he thought any minister ought to be impeached, who suffered the grant of any sort of revenue from the colonies to the crown. Indeed it was possible, that such a practice in time of war, from the necessity of the case, might be tolerated, but that a revenue in time of peace could not be granted by the assemblies, without subverting the constitution.

Mr. Jenkinson moved the previous question, upon the first Resolution. Upon this the House divided. The Noes went forth.

Tellers.

Yeas	Mr. Hotham - - -	}	78
	Mr. Byng - - - -		
Noes	Lord Cranborne - -	}	270
	Mr. Cooper - - -		

So it passed in the negative. The second, third, fourth and thirteenth Resolutions had also the previous question put on them. The others were negatived.*

* During this debate the standing order for the exclusion of strangers was strictly enforced.

"On this motion, and on the whole matter, the debate was long and animated. It was objected, in general, that these resolutions abandoned the whole object for which we were contending. That in words indeed they did not give up the right of taxing; but they did so in effect. The first resolution, they said, was artfully worded, as containing in appearance nothing but matters of fact; but if adopted, consequences would follow highly prejudicial to the public good. That the mere truth of a proposition did not of course make it necessary or proper to resolve it. As they had frequently resolved not to admit the unconstitutional claims of the Americans, they could not admit resolutions directly leading to them. They had no assurance, that if they should adopt these propositions, the Americans would make any dutiful returns on their side; and thus the scheme, pursued through so many difficulties, of compelling that refractory people to contribute their fair proportion to the expences of the whole empire, would fall to the ground. The House of Lords would not, they said, permit another plan somewhat of the same kind, so much as to lie on their table; and the House of Commons had in this session already adopted one, which they judged to be conciliatory upon a ground more consistent with the supremacy of parliament. It was asserted, that the American assemblies had made provision upon former occasions; but this, they said, was only when pressed by their own immediate danger; and for their own local use. But if the dispositions of the colonies had been as favourable as they were represented, still it was denied, that the American assemblies ever had a legal power of granting a revenue to the crown. This they insisted to be the privilege of parliament only; and a privilege which could not be communicated to any other body whatsoever. In support of

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Mr. Gilbert's Motion for a Committee on the Poor Laws.] March 27.

Mr. *Gilbert* rose and said:

Mr. Speaker; it may be thought presumptuous in a person so inconsiderable as myself, to call the attention of this House to a subject of such high and general importance, as that which respects the employment and relief of the Poor within this kingdom. I feel the force of the observation, and am conscious how unequal I am to the task. I have long expected that some gentlemen of far superior abilities and consequence in this House, would have resumed the consideration of this most important subject; but as that has not happened, I am desirous, with the indulgence of the House, to submit my thoughts upon it to their consideration, in hopes that it may induce gentlemen of great and distinguished abilities to give their attention and assistance to it. If that should be the case, my purpose will be answered, and the public will be benefited.

I shall not mis-spend the time of the House, by stating the various acts of parliament which have been made upon this subject, or in pointing out the particular defects in the present system of our Poor Laws; it will be sufficient to mention a few facts in the knowledge of every gen-

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this doctrine, they quoted the following clause from that palladium of the English constitution, and of the rights and liberties of the subject, commonly called the Bill, or Declaration of Rights; viz. that 'Levying money for, or 'to the use of the crown, by pretence of pre-'rogative, without grant of parliament, for a 'longer time, or in other manner, than the 'same is or shall be granted, is illegal.'

"This clause, they insisted, clearly enforced the exclusive right in parliament of taxing every part of the empire. And this right, they said, was not only prudent, but necessary. The right of taxation must be inherent in the supreme power; and being the most essential of all others, was the most necessary, not only to be reserved in theory, but exercised in practice; or it would, in effect, be lost, and all other powers along with it. This principle was carried so far, that it was said any minister ought to be impeached, who suffered the grant of any sort of revenue from the colonies to the crown. That such a practice in time of war, might possibly be tolerated from the necessity of the case; but that a revenue in time of peace could not be granted by any of the assemblies, without subverting the constitution. In the warmth of prosecuting this idea, it was asserted, by more than one gentleman on that side, that the establishment of a parliament in Ireland, did not by any means preclude Great Britain from taxing that kingdom whenever it was thought necessary. That that right had always been maintained, and exercised too, whenever it was judged expedient; and that the British parliament had no other rule in that exercise, than its own discretion. That all inferior assemblies in this empire, were only like the corporate towns in England, which had a power, like them, of making bye-laws, for their own municipal government, and nothing more.

"On the other side, it was urged, that the clause in the Declaration of Rights, so much relied on, was calculated merely to restrain the prerogative, from the raising of any money within the realm, without the consent of parliament; but that it did not at all reach, nor was intended to interfere, with the taxes levied, or grants passed by legal assemblies out of the kingdom, for the public service. On the contrary, parliament knew at the time of passing that law, that the Irish grants were subsisting, and taxes constantly levied in consequence of them, without their once thinking, either then or at any other time, of censuring the practice, or condemning the mode as unconstitutional. It was also said, that different parliaments at different periods, had not only recognized the right, but gratefully acknowledged the benefit which the public derived from the taxes levied, and the grants passed by the American assemblies. As to the distinction taken of a time of war and the necessity of the case; they said it was frivolous and wholly groundless. The power of the subject in granting, or of the crown in receiving, no way differs in time of war, from the same powers in time of peace; nor is any distinction on such a supposition made in the article of the Bill of Rights. They argued therefore, that this article of the Bill of Rights is confined to what it was always thought confined, the prerogative in this kingdom; and bound indeed the crown; but could not, in securing the rights and liberties of the subject in this kingdom, intend to annihilate them every where else. That as the constitution had permitted the Irish parliament and American assemblies to make grants to the crown; and that experience had shewn, that these grants had produced both satisfaction and revenue, it was absurd to risk all in favour of theories of supremacy, unity, sovereign rights, and other names, which hitherto had led to nothing but confusion and beggary on all sides, and would continue to produce the same miserable effects, as long as they were persisted in. That the mover had very wisely avoided these speculative questions, and confined himself to experience; and it would be well if they could persuade themselves to follow that example. The previous question was moved on the first proposition, and carried by 270 to 78." Annual Register.

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tleman who hears me, viz. That there is an immense sum of money annually raised in this country for the relief and maintenance of the poor; a sum I believe not inferior, perhaps superior, to that raised by the land-tax at 4*s.* in the pound, which is two millions per annum. That notwithstanding this very ample provision for the poor, they are in general miserably accommodated. This is apparent to every gentleman, both in town and country, who will daily find a number of distressed objects in the streets and highways, begging, thieving, and starving. This shews some great defect either in the laws themselves, or in the execution of them.

It will be necessary to trace these evils to their origin, and see from what sources they arise, before we think of the remedy. Too many of them, I fear, are rooted in the degeneracy of the times, in the depravity and corruption of the morals of the people; others, I apprehend, proceed from some defect in the laws.

The foundation of the Poor Laws was laid by queen Elizabeth; the Act passed in the 43d of her reign, was founded in wisdom and sound policy; it was carefully penned, and very well adapted to the temper and genius of the people at that time. The general principles of that statute were, the employment of the poor who were able to work; the punishing of those who were able, but not willing, to work; the supporting and maintaining the aged, infirm, and impotent poor; the taking proper care of the infant poor, by binding them out apprentices, &c. The fund for those purposes was to be raised by taxation of every inhabitant and occupier of lands, &c.

Those principles comprehend every thing that is wanted or can be wished, in regard to the poor at this day, and that law still remains in force. But partly from a change in the manners and dispositions of the people, which have been produced in the course of near two centuries, and still more from the intervention of a great number of acts of parliament for subdividing parishes (before too small for the proper care, employment, and government of the poor) into townships; for fixing their settlements; giving powers of removal; for allowing certificates, and afterwards restraining the use of them, those excellent principles, and every purpose of that statute of queen Elizabeth, have been defeated.

Those impolitic regulations have introduced nothing but frauds, perplexities, and endless confusion. The great struggle now is between parish and parish; every artifice is used, every endeavour exerted, by the parish officers, often with great inhumanity to the poor, to ease their own parish, and lay the burden upon their neighbours. The poor are harassed by removals from place to place, which deprive them of all rest and comfort: litigations are encouraged; great sums spent in support of them, and in maintaining the idle and profligate; the real purpose for which that heavy tax is laid, viz. the maintenance and relief of the indigent and necessitous poor, is but little regarded.

This review of the situation of our poor and poor-laws, affords but a melancholy prospect. How and by what means this evil can be cured, is the great and important question. Difficulties present themselves on every side; if we look back, we shall find that all those endeavours which have been repeatedly exerted at different periods to redress these grievances, have hitherto proved unsuccessful; if we look forward we shall see the evil increasing daily. What shall we do in this dreadful situation? Shall we sit still under this oppression? or shall we not rather attempt some plan of relief, before it is too late, as these evils seem to threaten the utter ruin and destruction of this country, and every thing that is dear and valuable to us? If nothing is attempted, nothing can be effected.

I think a great part of the cure lies within these walls: but I am certain no undertaking of this sort can succeed, without our united endeavours. I am happy to see great abilities in every quarter of the House, extremely well adapted to this business; those abilities, well exerted, will, I hope, be sufficient to overcome all difficulties. I have no partiality to any particular plan, but shall be very willing to contribute the best of my poor endeavours to those of other gentlemen, in forming such a one as shall, upon mature consideration, be most likely to produce the reformation so much wanted, if the House shall be pleased to grant the motion which I intend to make, for referring the consideration of this matter to a committee.

The object of the late Bill (I mean that which passed this House ten years ago) was to incorporate a considerable number of parishes in each county, into districts, and was adopted upon a plan which had been introduced in some counties, under

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particular acts before that time; but that Bill was rejected by the Lords: since that time more parishes have, in like manner, been incorporated into districts.

It may be of service to know what success has attended them; the experience from the several houses of industry within these districts, may furnish useful information for the forming a general regulation upon the subject now before us; and, it is hoped, some motions may be framed by the committee, upon which the order of this House may be given for procuring such returns from those houses of industry, and also from work-houses, which have been established in many cities and towns, by the authority of particular acts of parliament, which may shew under what rules, bye-laws, and regulations, such houses have been conducted, and how the poor have been employed and maintained therein.

I wish to have these enquiries extended further, and think the reformation of the houses of correction, in all parts of the kingdom, must constitute an essential part of any general and useful regulation; as I fear, instead of correction and labour, idleness, drunkenness, and all sorts of profligacy, are but too prevalent in many of those houses, from whence the persons sent thither, generally return more wicked and abandoned than they went.

The vagrants likewise seem to be objects worthy our attention and enquiry; the great increase of expence to many counties, in maintaining and passing them, is alarming, and gives reason to suspect, that there are frauds and abuses in the execution of those laws. The committee may also form notions upon those heads, which may be the means of procuring necessary information, for considering those objects with the others the next session.

Every step of this sort ought to have a tendency to some general plan. I have turned my thoughts very much upon the subject, and shall communicate them freely to the committee, where I hope to hear the sentiments of many other gentlemen upon it; and that when we have conferred together, we shall be able to form something which may be beneficial to this country, upon the principles established by the Act of queen Elizabeth.

I shall conclude, Sir, with moving, "That a committee be appointed, to review and consider the several laws which concern the relief and settlement of the poor, and the laws relating to vagrants, and also the state of the several houses of correction, within that part of Great Britain called England; and report the same with their opinion thereupon, to the House."—A Committee was accordingly appointed.

Resolutions of the Committee on the Poor Laws.] April 11. Sir Cecil Wray reported from the Committee, who were appointed to review and consider the several Laws which concern the Relief and Settlement of the Poor, and the Laws relating to Vagrants, and also the state of the several Houses of Correction, within that part of Great Britain called England; and to report the same, with their opinion thereupon, from time to time, to the House; that the committee had considered the matters to them referred; and had come to the following Resolutions:

1. "That the laws relating to the poor, in that part of Great Britain called England, are defective, and the good purposes intended by them in many respects prevented.

2. "That the present method of regulating such poor, in separate parishes and townships, is, in general, ineffectual for their proper relief and employment.

3. "That the money raised for the relief of the poor is a grievous, and, if no new regulations are made, will be an increasing, burthen upon the public.

4. "That a considerable part of such money is expended in supporting litigations concerning settlements.

5. "That the employing of the infant and able poor, in such works, as may be suited to their strength and capacity, will be very beneficial to this kingdom.

6. "That if the disputes about settlements and removals of the poor between one parish, or place, and another, in the same county, could be prevented, the great expence attending such litigations would be saved, the poor would have an easier access to places where they might find employment, and would avoid the cruel and severe treatment which they frequently receive from the contending parishes during such contest.

7. "That if the poor were to be maintained and employed at one general county expence, those disputes would in a great measure be avoided, the spirit and intention of the statute made in the 43d year of the reign of queen Elizabeth would be promoted, and the regulations and provisions therein contained better inforced.

8. "That the establishing proper

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houses and buildings, at such places in each county, as shall be best situated for the reception, accommodation, and employment, of the several poor and disorderly persons proper to be sent thither, and for the convenience of their being duly inspected and attended to, will be the most easy and effectual method for relieving the impotent, and employing the able poor.

9. "That care should be taken, in the providing and establishing of such houses and buildings, for properly classing and employing the several persons admitted therein; for which purpose, and in order to the establishing a system of good regulations, it may be proper to inspect the several bye-laws, rules, regulations, and ordinances, constituted in the several houses of industry and public workhouses established under special acts of parliament within this kingdom.

10. "That, for the better government of the said houses, and carrying the intended regulations into execution, every person having an estate of 100*l.* per annum, in England, and 60*l.* per annum, in Wales, shall be a governor of the poor, for the county wherein he resides, provided such estate, or one half thereof, shall lie in such county; and that there shall be one general meeting of the governors for such county, on a day and place to be fixed; at which meeting they shall determine the places where the buildings before described shall be erected, and also what parishes shall return their rates and accounts, and have their correspondence and transactions with each of such houses, according to their situation and vicinity, as near as conveniently may be; which houses and parishes shall be distinguished by the name of the first, second, &c. district; and that there shall be one annual general meeting of the governors, at each of the said houses, on some certain day to be fixed; and also one monthly meeting of the said governors, at the same place, in the first week in every month, on a certain day to be appointed by them; and that such governors may, at their annual meeting, elect, from time to time, such other persons, residing in such county, and having estates of such value in the dominions of Great Britain, as they shall think fit to be governors, provided the numbers so elected shall not exceed, at any one time, a certain number to be limited for each county, which number shall, at such first general meeting of the governors at large, be distributed between the several houses then to be fixed upon, as they shall think fit, and election made accordingly.

11. "That the governors shall, at their annual meeting, appoint so many persons, to be guardians of the poor, for the several parishes, townships, and places, belonging to each house, as they shall think fit, having estates of 25*l.* per annum, or occupying lands, &c. of 50*l.* per annum within such county: but no person shall act as guardian within any parish, township, or place, whilst he shall be churchwarden or overseer of the poor for the same.

12. "That there shall be a treasurer and clerk, and also a master and matron, appointed by the said governors, for each of the said houses, at the first meeting of the governors after the said houses shall be fit for the reception of the poor, and proper salaries allowed to each of them.

13. "That the poor persons, being lame, impotent, old, or blind, who are unable to work, or who cannot maintain themselves by their labour, but stand in need of relief, shall be sent, from the respective parishes and places where they reside, to the said houses, and there accommodated with every thing suited to their several necessities and occasions; and such of them who shall be able to work, employed in labour suited to their strength and capacity.

14. "That the orderly and industrious poor, who, from accidental sickness, infirmities, or other unavoidable causes, shall be rendered unable to maintain themselves and their families by their labour, may have temporary relief from the overseers of the poor, within the several parishes or places where such poor reside, with the approbation of two or more of the said guardians, in such manner as shall be most suitable to their necessities.

15. "That such of the infant poor, under the age of four years, who have lost their parents, or whose parents are unable to maintain them, and shall be willing to part with them, may, by the direction of two or more of the said guardians, be put out to nurse in that or some neighbouring parish, until they shall be fit to receive instruction, and from that time shall be sent to the house to which such parish or place shall belong to be instructed in all necessary duties, and employed in such manner as shall be most suitable to their age and capacities.

16. "That such of the infant poor,

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above the age of four years, who have lost their parents, or whose parents are unable to maintain them, may, by the direction of two or more of the said guardians, be sent to the house to which such parish or place shall belong, to be instructed in all necessary duties, and employed as aforesaid.

17. "That each of such children respectively, when of proper age to be placed out apprentice, or to service, shall be so placed out by the governors, but if, at any time, their parents shall apply to the governors, to have their children returned before so placed out, and it shall be made appear to such governors that the parents are able to maintain them, the governors shall order them to be returned.

18. "That the overseers of the poor shall, in the last week in every month, send to the treasurer of the house to which their parish or place belongs, according to the regulations aforesaid, a true account of all the expences incurred relative to the poor within such parish or place, for the four weeks next preceding the week in which such account shall be sent, after the same respectively shall have been produced to two or more of the said guardians, and allowed by them.

19. "That the treasurer and clerk shall make an account of all receipts and payments within each month, to be laid before the governors at their monthly meetings; and shall also make, and lay before the governors at such meetings, abstracts of the expences incurred within the several parishes by such relief or provisions aforesaid, pointing out the particular object of such expences, for the better observation and consideration of such governors.

20. "That the governors, at their monthly meetings, shall inspect and examine all such accounts, and if they find cause to suspect that there has been mismanagement, or any improper behaviour therein, they may order the persons concerned in such transactions to appear before them at their next monthly meeting, provided the place where such matter arises shall not be more than ten miles from such house, and then and there enquire into the same upon oath, and make such order and regulation therein as to them shall appear just and reasonable; if the place shall exceed that distance, the said governors may grant an order for the persons so concerned to attend some neighbouring justice of the peace, at such time and place as he shall appoint, which shall be notified to the persons so concerned, and such justice shall, in like manner, enquire into the same, and make such order and regulation therein as to him shall seem fit.

21. "That, for carrying the several purposes aforesaid into execution, assessments shall be made, by order of the justices at their general quarter sessions of the peace, upon every parish, township, and place, within each county, according to the proportion of money raised within such parishes and places respectively, and applied on account of the poor, upon a medium of the seven preceding years; the mode of ascertaining the sums so raised to be particularly directed.

22. "That the accounts from each of such houses shall be made up quarterly, and laid before the justices of the peace for the county wherein such houses are situate, at their general quarter sessions of the peace, who shall inspect the same, and make orders for the sums to be raised within the succeeding quarter.

23. "That no parish, township, or place, shall be compelled to contribute more, in any one year, than such average sum.

24. "That, if it shall be made appear to the justices, at their court of general quarter sessions of the peace, that a reduction may be made in the said several assessments, and that such average sum, for any parish, township, or place, exceeds four shillings in the pound, of the annual value of the lands, tenements, and hereditaments, within such parish, township, or place, upon a fair valuation thereof, made by persons to be appointed by such justices, at the expence of such parish, township, or place; then, and in that case, such court of quarter sessions shall, in all their orders, for future assessments, consider the average sum, for such parish, township, or place, at one fifth part of the annual value of such lands, tenements, and hereditaments, so to be ascertained as aforesaid, instead of the average sum so first settled.

25. "That each riding in the county of York, and division of the county of Lincoln, and each district, city, town, or place, where more parishes than one are incorporated for relief of the poor, by special acts of parliament, shall, with respect to all the purposes of these intended regulations, be considered as distinct counties.

26. "That these regulations shall not

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take effect in any county, until ordered by two parts in three of the persons qualified as aforesaid to be governors, assembled at a meeting to be held for that purpose, after two months' notice thereof given in the public newspapers circulated in that county, and signed by at least 15 persons so qualified."

May 11. Mr. *Gilbert* reported from the said committee the following additional Resolutions:

1. "That it is the opinion of this committee, that the houses to be provided for the general reception of the poor, ought to be limited by the Act, so as not to exceed a certain number for each respective county, or the number for each county should be ascertained by the Act; and that the governors should have power to borrow money upon the credit of the poor's rates, for providing and furnishing the necessary buildings, and also for buying a convenient stock of materials and utensils for employing the poor.

2. "That all cities and towns, which are counties of themselves, should be considered as distinct counties; but the qualification of their governors should be less than those required in the counties at large.

3. "That every person, qualified to act as a governor, ought to send his name and place of abode to the clerk of the district wherein he resides, at the first and every annual meeting of the governors for that district, or for every neglect to forfeit a sum of money; and that the clerk, at every such meeting, shall produce a list containing the names and places of abode of the governors so transmitted to him, which he shall divide into twelve equal parts, as near as may be, and the fractional parts shall be distributed, by adding one to each month, as far as they will extend, beginning with the month of January, and proceeding to each succeeding month; that the name of every such governor shall be wrote on a small piece of paper, and put into a glass or box, from whence the clerk, or some governor present, shall draw so many names as under such regulation shall belong to the month of January, and in like manner for each succeeding month, and the names so drawn shall be entered by the clerk in a book to be provided for that purpose; but liberty should be given for one governor to exchange his month with another, upon notifying the same to the clerk, and having an entry made thereof in the said book, one week at least before the monthly meeting; and that every governor, so drawn or exchanged, shall either attend such monthly meeting of the governors, or forfeit a sum of money; but in case any governor, from sickness, or any other unavoidable cause to be allowed by the governors at such monthly meeting, shall be unable to attend, and shall procure another governor to attend in his place, he shall be excused such penalty.

4. "That the Act passed in the 17th George the 2nd, intituled, 'An Act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction,' should be explained and amended, by a separate Act, in such manner as will be most likely to enforce the execution thereof, and prevent the practice of begging in the streets and highways, pernicious in its consequences, and highly disgraceful to this country; which practice will be without the least excuse when these regulations take place, by which the distresses of the poor will upon all occasions be speedily and comfortably relieved; and the amendments should also be so adapted, as to prevent impositions and abuses upon the public, in the apprehending and passing of vagrants.

5. "That proper houses of correction should be provided, at the houses for the general reception of the poor in every district, for the more convenient inspection of the governors, but so separated from the other buildings, as to prevent any improper communication therewith; and that such rules, orders, and regulations should be established, within those houses of correction, as may make them effectual for the purposes for which they were intended by the several laws now in being."

The said Resolutions were agreed to by the House.

Debate in the Commons on Mr. Hartley's Propositions for Conciliation with America.] March 27. The order of the day being read,

Mr. *Hartley* rose and said:

I find myself under the necessity of making some apology to the House, for the trouble which I am going to give them this day; and to assure them, that it is with the greatest deference that I presume to obtrude any sentiments of mine, upon

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the important subject of America. Though I have so lately had the honour of a seat in this House, yet I have for many years turned my thoughts and attention to matters of public concern and national policy. This question of America is now of many years standing; of the greatest public notoriety, as to the facts upon which it turns; and every opinion has been so fully debated over and over, that any man who has given his mind to public business, may be supposed equally informed out of the House as in it.

When I threw out the Propositions casually before Christmas, which I shall offer more formally to you to-day, my view was in no sort hostile to the administration. I saw the difficulty that we were got into by our own precipitancy; that unhappy dilemma, which offered nothing but ruin in going forward, or disgrace in the retreat. I was in hopes, from some phrases dropt by the noble lord at the head of the Treasury, in the beginning of the session, of others being more sanguine and more impatient than himself; that he at least would have shewn some disposition to relent: and I still believe, if he were at liberty to follow his own inclination and judgment, that it would be so. I am the more warranted in thinking so, from the proposition which the noble lord himself offered to the House some time ago (See p. 319). There was in that proposition a shew of conciliation to captivate one side of the House, and sufficient to betray what were his own wishes; but on the other side there was the reality of every unrelenting and vindictive measure annexed, to prove, that there still were others more sanguine and more impatient than himself; over whom, with all his abilities, with all his eloquence, with all the advantages of his situation, he could not maintain his ascendant. Whatever struggles the noble lord may have had with himself or his friends, they are all at an end; the die is cast for war with America. It was found, that any conciliatory proposition must have been in some degree a concession, which none of his unrelenting friends would consent to.

However, by the noble lord's proposition, there is one concession made to America, under the authority of this House, which cannot be recalled; and which finally and conclusively condemns the conduct of every administration for these ten years past, one excepted; I mean the repeal of the Stamp Act. If it can be proper now to offer to the colonies to pay upon requisition, what can this nation say for having kept out of the only right road for ten years? How can we censure the colonies for any errors committed by them, which were the consequences of our own beginning at the wrong end? Though a threat is now annexed to the noble lord's requisition, yet if, at first, we had begun with a requisition instead of taxing, it would have been more just and prudent. There could be no justice or prudence in threatening a people who had always contributed most freely; who never would have called our supposed right in question, but for our misapplication of it. Therefore, Sir, when I have brought back the noble lord's compulsory requisition, to my free requisition, it stands confessed upon the very nature of his proposition itself, that I have set it upon its own true original ground.

There is another objection to the noble lord's plan, which as I have mentioned it upon a former occasion, I shall only remind you of in a few words; I mean a breach of faith with the colonies. A secretary of state writes, in 1769, a circular letter to the colonies, to assure them, That you will never raise a revenue by taxing. A few years after, upon a negociation with the East India Company, the three-penny tea-tax becomes not only merely a quit-rent for the point of honour, but rises to an actual revenue. Then you plead, that you did not break your word, as the revenue arising was not in your original intentions, but only casual, from a regulation of trade. But what can you say now? The noble lord boasts, that he has put the question upon the true ground, a demand for a substantial revenue; a demand, attended with threats of compulsion. What is this less than raising a revenue by a tax?

But in any case, let the noble lord think what he will of his proposition; why has he not, in so many weeks, given it some practicable shape? Why has he not offered some act of parliament to give it effect? However, as he has omitted that, I shall take the proposition without its objectionable parts, and propose an address to the King to give it force; in which motion, I hope to meet with the support of those gentlemen who gave it countenance originally, when it came from the noble lord. I shall give the whole substance of the proposition: only leaving out in the Address to the King, any threats of the compulsion which you meditate in reserve. If

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you think that you have the right of taxing, I pass it over in silence,—if you have the power, I do not—I cannot, take that away. Then make a free requisition; and be contended to keep to yourselves the satisfaction of thinking, that you have something in reserve, in case of non-compliance. Keep that *sub silentio*; at least till you find that it becomes necessary. I am not an advocate either for the right or the expediency of taxing the Americans, but the contrary. However as far as we go the same road of requisitions, let us go together.

As what I have to offer, will be founded upon requisitions to the colonies, I will endeavour to answer an objection beforehand, which I have heard in this House. It is to the plan of royal requisition. This objection to the interference of the royal name, comes from a side of the House, from which one should least have expected it. However, if this be an objection, mine are not royal requisitions. My motion originates from the House of Commons, to desire the King, as the executive magistrate, to put their plan into effect. If the power of making requisitions to the colonies, is not in the King; my motion is to give the authority and sanction of parliament to this measure. It is so far from being my proposition, to enable the crown to raise what supply it can from America, independent of parliament, that my motion is the very first which has ever had in contemplation, to lay a parliamentary controul upon that power; and to require that all answers from America shall be laid before this House for the very purpose of controuling that power in the crown. I have so doubly guarded that point, that my motion is not even for the crown to demand a supply from America; but for services to be performed in America; for the defence, security and protection of the colonies themselves.

I would wish to state to the House the merits of this question, of requisitions to the colonies; and to see upon what principles it is founded; to revise and settle the accounts between Great Britain and her colonies; and then, upon a foundation of distributive justice, to come to some settlement. We hear of nothing now, but the protection which we have given to them; of the immense expence incurred on their account. We are told that they have done nothing for themselves; that they pay no taxes; in short, every thing is asserted about America to serve the present turn, without the least regard to truth. I would have these matters fairly sifted out.

To begin with the late war. The Americans turned the success of the war, at both ends of the line. General Monkton took Beausejour in Nova Scotia with 1,500 provincial troops and about 200 regulars. Sir William Johnson in the other part of America, changed the face of the war to success with a provincial army, which took baron Dieskau prisoner. But, Sir, the glories of the war, under the united British and American arms, are recent in every ones' memory. Suffice it to decide this question, that the Americans bore, even in our judgment, more than their full proportion; that this House did annually vote them an acknowledgment of their zeal and strenuous efforts, and a compensation for the excess of their zeal and expences, above their due proportion. They kept, one year with another, near 25,000 men on foot, and lost in the war the flower of their youth. How strange must it appear to them to hear of nothing down to March 14, 1763, but encomiums upon their active zeal and strenuous efforts, and then, no longer after than the year 1764, in such a trice of time, to see the tide turn, and from that hour to this to hear it asserted that they were a burden upon the common cause; asserted even in that same parliament, which had voted them compensations for the liberality and excess of their services.

Nor did they stint their services to North America, they followed the British arms out of their continent, to the Havannah and Martinique, after the complete conquest of America. And so they had done in the preceding war. They were not grudging of their exertions, they were at the siege of Carthagena; yet what was Carthagena to them, but as members of the common cause, of the glory of this country? In that war too, Sir, they took Louisbourg from the French, single-handed, without any European assistance; as mettled an enterprize as any in our history! an everlasting memorial of the zeal, courage and perseverance of the troops of New England. The men themselves dragged the cannon over a morass which had always been thought impassable, where neither horses nor oxen could go, and they carried the shot upon their backs. And what was their reward for this forward and spirited enterprize; for the reduction of this American Dunkirk? Their

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reward, Sir, you know very well; it was given up for a barrier to the Dutch. The only conquest in that war which you had to give up, which would have been an effectual barrier to them against the French power in America, though conquered by themselves, was surrendered for a foreign barrier. As a substitute for this, you settle Halifax for a *place d'armes*, leaving the limits of the province of Nova Scotia as a matter of contest with the French, which could not fail to prove, as it did, the cause of another war. Had you kept Louisbourg instead of settling Halifax, the Americans may say, at least, that there would not have been that pretext for imputing the late war to their account. It has been their forwardness in your cause, that made them the objects of the French resentment. In the war of 1744, at your requisition, they were the aggresors with the French in America. We know the orders given to Mons. D'Anville, to destroy and lay all their sea-port towns in ashes; and we know the cause of that resentment; it was to revenge their conquest of Louisbourg.

Whenever Great Britain has declared war, they have taken their part. They were engaged in king William's wars and queen Anne's, even in their infancy. They conquered Acadia in the last century for us, and we then gave it up. Again, in queen Anne's war they conquered Nova Scotia, which, from that time, has always belonged to Great Britain. They have been engaged in more than one expedition to Canada, ever foremost to partake of honour and danger with the mother country.

Well, Sir, what have we done for them? Have we conquered the country for them from the Indians? Have we cleared it? Have we drained it? Have we made it habitable? What have we done for them? I believe precisely nothing at all, but just keeping watch and ward over their trade, that they should receive nothing but from ourselves, and at our own price. I will not positively say, that we have spent nothing; though I do not recollect any such article upon our Journals: but I mean, not any material expence in setting them out as colonists. The royal military government of Nova Scotia cost, indeed, not a little sum; above 500,000*l.* for its plantation, and its first years. Had your other colonies cost any thing similar, either in their outset or support, there would have been something to say on that side; but instead of that, they have been left to themselves for 100 or 150 years, upon the fortune and capital of private adventurers, to encounter every difficulty and danger. What towns have we built for them? What deserts have we cleared? What country have we conquered for them from the Indians? Name the officers; name the troops; the expeditions; their dates. Where are they to be found? Not in the journals of this kingdom. They are no where to be found.

In all the wars which have been common to us and them, they have taken their full share. But in all their own dangers, in all the difficulties belonging separately to their situation, in all the Indian wars which did not immediately concern us, we left them to themselves to struggle their way through. For the whim of a minister you can bestow half a million to build a town, and to plant a royal colony of Nova Scotia; a greater sum than you have bestowed upon every other colony together, since their foundation.

And notwithstanding all these, which are the real facts, now that they have struggled though their difficulties, and begin to hold up their heads, and to shew that empire which promises to be the foremost in the world, we claim them and theirs, as implicitly belonging to us, without any consideration of their own rights. We charge them with ingratitude, without the least regard to truth, just as if this kingdom had for a century and a half attended to no other object: as if all our revenue, all our power, all our thought, had been bestowed upon them, and all our national debt had been contracted in the Indian wars of America, totally forgetting the subordination in commerce and manufactures, in which we have bound them; and for which, at least, we owe them help towards their protection.

Look at the preamble of the Act of Navigation, and every American Act, and see if the interests of this country is not the avowed object. If they make a hat or a piece of steel, an act of parliament calls it a nuisance: a tilting hammer, a steel furnace, must be abated in America as a nuisance. Is it so with their fellow subjects on this side of the Atlantic? Are the hats and cloths of Gloucestershire nuisances? Are the tilting hammers of Pontipool nuisances? Are the cutleries of Sheffield and Birmingham nuisances? Are the stockings of Nottingham nuisances? Are the linens of Scotland, Ireland,

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or Broomsgrove nuisances? Are the woollen cloths of Yorkshire, the crapes of Norwich, or the cottons of Manchester, nuisances? Sir, I speak from facts. I call your books of statutes and journals to witness. With the least recollection, every one must acknowledge the truth of these facts.

But it is said, the peace establishment of North America has been, and is, very expensive to this country. Sir, for what has been, let us take the peace establishment before 1739, and 1748. All that I can find in your journals is, four companies kept up at New York, and three companies in Carolina. As to the four companies at New York, this country should know best why they put themselves to that expence; or whether they were really at any expence at all; for these were companies of fictitious men. Unless the money was repaid into the treasury, it was applied to some other purpose; for these companies were not a quarter full. In the year 1754, two of them were sent up to Albany, to attend commissioners to treat with the Six Nations, to impress them with a high idea of our military power; to display all the pomp and circumstance of war before them, in hopes to scare them; when, in truth, we made a very ridiculous figure. The whole complement of the two companies did not exceed thirty tattered, tottering invalids, fitter to scare the crows. This information I have had from eye-witnesses.

It has not fallen in my way to hear any account of the three Carolina companies: these are trifles. The substantial question is, what material expence have you been at in the periods alluded to, for the peace establishment of North America? Ransack your journals, search your public offices for army or ordnance expences. Make out your bill, and let us see what it is. No one yet knows it. Had there been any such, I believe the administration would have produced it before now, with aggravation; as was the case a few years ago with the East India Company, who had their effects arrested for a long bill, when they little expected it, and that bill too not very scrupulously charged: but when money is in the case, whether from the east or from the west, ministers can make as long bills as other people.

But is not the peace establishment of North America now very high, and very expensive? I would answer that by another question; why should the peace establishment since the late war, and the total expulsion of the French interest, be higher than it was before the late war, and when the French possessed above half the American continent? If it be so, there must be some singular reason.

I cannot suppose that you mean, under the general term of North America, to saddle all the expences of Canada, Nova Scotia, Cape Breton, Newfoundland, Florida, and the West Indies, upon the old colonies of North America. You cannot mean to keep the sovereignty, the property, the possession (these are the terms of the cession in the treaty of 1763) to yourselves, and lay the expence of the military establishment, which you think proper to keep up, upon the old colonies.

Sir, the colonies never thought of interfering in the prerogative of making war or peace; but if this nation can be so unjust as to meditate the settling the expence of your new conquests separately upon them, they ought to have had a voice in settling the terms of peace. It is you, on this side of the water, who have first brought up the idea of separate interests, by planning separate and distinct charges. It was their men, and their money, which had conquered North America and the West Indies, as well as yours, though you seized all the spoils; but they never thought of dictating to you what you should keep or what you should give up, little dreaming that you reserved the expence of your military governments for them. Who gave up the Havannah? Who gave up Martinique? Who gave up Guadaloupe, with Mariegalante? Who gave up Santa Lucia? Who gave up the Newfoundland fishery? Who gave up all these, without their consent, without their participation, without their consultation, and after all without equivalents? Sir, if your colonies had but been permitted to have gathered up the crumbs which have fallen from your table, they would have gladly supported the whole establishment of North America.

Your colonies have now shewn you the value of lands in North America; and therefore you have vested in the crown the sovereignty, property, and possession of infinite tracts of land, perhaps as extensive as all Europe, which the crown may dispose of at its own price, as the land rises in America, and grants become invaluable; and to enable the crown to support an arbitrary military, nay even a Romish government, till these lands rise

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to their future immense value, you are casting about to saddle the expence either upon the American or the British supplies. The Americans must, indeed, be in a state of insanity, if they do not see the tendency of all this; and we ourselves must be more insane and blind even than the Americans; we, who have already seen the patronage of the East Indies put into the hands of the crown, and who now see the sovereignty, property, and possession of North America, with every military and despotic power, vested solely in the King's hands; we, who are made to learn every hour, by precept and example, that charters, being but the breath of kings, are to be annihilated by the breath of pliable parliaments; we must be, Sir, I say, more insane than them, if we do not see the tendency of all this, and if we do not provide in time for our own security, as well as for that of America. I will not suppose, that we can be so improvident as not to attend to these important and perhaps not very distant events; nor, with respect to the present question, will I suppose that parliament meditates so great an injustice, as to require your old colonies to support the charge of all your new conquests, and all the rest of America.

This country is very liberal in its boasting of its protection and parental kndness to America. Is it for that purpose that we have converted the province of Canada into an absolute and military government, and have established the Romish bigotry dominant, as a terror upon all our ancient and Protestant colonies? What security, what protection do they derive? In what sort are they the better for the conquest of the French dominions, if we take that opportunity to establish a government, civil, military, and ecclesiastical, in the utmost degree hostile to the government of our own provinces, and with the intent to set a thorn in their sides? Is this affection and parental kindness? Surely you do not expect that they should be taxed and talliaged to pay for this rod of iron which you are preparing for them!

Now, Sir, I come to a point, in which I think you may be said to have given some protection. I mean the protection of your fleet to the American commerce. And even here I am at a loss by what terms to call it; whether you are protecting yourselves or them. They are your cargoes, your manufactures, your commerce, your navigation. Every ship from America is bound to Great Britain. None enter an American port, but British ships and men. While you are defending the American commerce, you are defending Leeds and Halifax, Sheffield and Birmingham, Manchester and Hull, Bristol and Liverpool, London, Dublin and Glasgow. However, as our fleet does protect whatever commerce belongs to them, let that be set to the account. It is an argument to them, as well as to us. As it has been the sole policy of this kingdom, for ages, by the operation of every commercial act of parliament, to make the American commerce totally subservient to our own convenience, the least that we owe to them in return is protection.

Sir, I have now stated my sentiments upon the preliminary matters. I have endeavoured to state the services, in war, of the Americans, with ours, and their mutual proportions; in which, by our own confession, the Americans have taken more than their share. I have stated the expence of your military establishment for them, such as it has been, or such as it need to be, always protesting against the imposition of the charge of the conquered provinces upon them; and I have stated the necessity and convenience of your fleet to their commeree. Let this line of dividing the question be pursued to what minuteness you will, in order that we may come to a fundamental judgment; let debtor or creditor fall on which side it will, I have no bias to either side of the argument; but to have perfect and liberal justice done, and reconcilement, if possible, effected upon sound and equitable principles. I will beg leave to read to the House a draught of a letter of requisition, which I have drawn up after the manner of former requisitions to the colonies, and which I have endeavoured to adapt to the present circumstances.

Here he read the following draught of a Letter of Requisition to the colonies:

"His Majesty having nothing so much at heart, as to see every part of his dominions put into a state of security, both by sea and land, against any attack, or even apprehension of attack, from foreign powers, has therefore particularly taken into his consideration the necessity of keeping up a respectable marine establishment, as well for the actual protection of the commercial interests of Great Britain and America, as to maintain undiminished the power and pre-eminence of the royal flag of Great Britain, and to preserve that navy, which has in the time of

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war carried us triumphant over all your enemies, from falling into neglect or inaction in the time of peace. The naval power of Great Britain is more especially necessary, for the protection of his Majesty's American subjects, from the special nature of their case; who have indeed each of them, by their respective militias, a provincial security by land, but from the want of a similar establishment at sea, are particularly unguarded on that element. The colonists are dependent upon the security of the sea, not only for their own trade, but likewise for that supply of British manufactures, which, if they were under the necessity of providing for themselves, would draw them off from those objects of their colonization, which are more beneficial to them, the possessing, and bringing into culture, the extensive and fertile lands of America. It is therefore the peaceable pursuit and enjoyment of all and every one of these advantages, for which they are beholden to his Majesty's royal navy for protection.

"His Majesty has likewise taken into his consideration the state of the American colonies, with respect to their military defence by land. The glory of all the American conquests in the late war, was accomplished by the active zeal, and strenuous efforts of the British and American united arms; in the prosecution of which his Majesty has repeatedly had experience, that his faithful and loyal subjects of America have contributed more than their proportion. His Majesty is therefore well pleased, that his American subjects should reap, upon the fortunate termination of that war, the advantages of security most peculiarly beneficial to their situation. He considers this security as no more than a just and adequate recompence for the liberality, zeal, and courage of their exertions, in the conquest of all those hostile provinces, and in the extirpation of all those foreign European interests, which have for many years been hovering, with an evil aspect, over the British American colonies, and circumscribing their early growth.

"His Majesty considers, that the establishment and confirmation of his newly-acquired dominions, for the peace, safety, and tranquillity of his ancient and loyal colonies, requires the same union of mind and measures between all his subjects on each side of the Atlantic ocean, by which they were acquired; and that suitable and proportionate provisions should be made, by the respective parts of his Majesty's dominions, according to the interest or advantages to each respectively resulting; the sovereignty, property, and possession of the said conquered dominions, being ceded to Great Britain on the one side; and a permanent and peaceable security, from all foreign enemies, or foreign forces, being the beneficial advantage acquired, and from the time of their conquest enjoyed, by the American colonies on the other. His Majesty, therefore, on this subject considers, that in reason, by much the greater part of the expences of the establishment of the conquered provinces should fall where the sovereignty, property, and possession are vested.

"With respect to the military defence of his Majesty's ancient colonies, the same plan may be adopted, which has obtained in former times of peace, as no greater standing force need be added to the militias of each province, than was found necessary, before the expulsion of all foreign interests from North America. Upon consideration of each of these branches requiring some military establishment, his Majesty thinks it necessary, with the consent of parliament, to keep up some standing forces in America, as well for the security of his newly acquired dominions, as to be in readiness, in case any of his ancient colonies should be attacked, to act in conjunction with the militia of any such colony, for the required defence. His Majesty therefore, upon consideration of the premises, both with respect to the necessary naval and military establishments, thinks it not unreasonable, to order requisitions to be made to the several assemblies of his loyal colonies in North America, for a suitable and voluntary provision, for the purposes of defending, protecting, and securing the said colonies.

"And to make the execution of this matter as convenient, and as satisfactory as possible, to his subjects in America, his Majesty recommends the mode to the option of the colonies; as it will be equally satisfactory to him, if the colonies themselves will undertake the performance of the services, under his Majesty's orders, by equipping, arming, and maintaining, as suitable numbers of vessels, with the proper complement of men to be under the command of such naval officers, as his Majesty shall from time to time appoint: and in like manner to levy, clothe, pay and provide for, such proportion of forces upon the

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military establishment of America as shall be equitable upon the circumstances of the case, and upon consideration of the respective abilities of each province; such forces to act either separately or in conjunction with any other of his Majesty's forces, and to be under the supreme command of all such officers as his Majesty shall think proper to appoint. His Majesty will order an account to be laid before the several assemblies, of the naval and military establishments, which his Majesty hereby requires them to furnish.

"His Majesty is not unmindful of the many restraints and prohibitions which the colonies are under, in respect to their commerce and manufactures; and that many of the regulations established by the authority of the British parliament, operate to the same effect (though indirectly) as taxes. This is the accepted condition of their emigration, to continue subordinate to the British commerce, and instrumental to the support and extension of British manufactures, while they are left at liberty themselves, to spread into the continent of North America. But as many of these regulations and restraints were formed in old times, when the principles of commerce were perhaps ill understood, and as it may be found that many of them are nugatory, or vexatious to the American colonies, without being beneficial to Great Britain; his Majesty hopes, that an amicable compliance with the above-mentioned reasonable requisitions, and an ostensible contribution on the part of the colonies, to the general parliamentary supply, will pave the way for many relaxations in the articles of commerce. And his Majesty gives the strongest assurances to his colonists, that he will, at all times, recommend to his parliament, to revise, repeal, explain, amend and relax, all such restraints and prohibitions, as shall appear to be frivolous, unjust, impolitic and oppressive to the colonies.

"It is with great grief that his Majesty, who is the common father of his people, and views with an equal eye of affection, his subjects in every part of his dominions, has of late years observed the very unhappy divisions, which have subsisted between his British parliament and the assemblies of his American subjects; and that needless and imprudent discussions of speculative points, from mutual misapprehensions, have been converted into anger and animosities, which threaten the most fatal consequences. His Majesty is too well acquainted with the natural justice and moderation of his British parliament, to believe that they could ever entertain the thought of any known or intended injustice or grievance to their fellow subjects in America; and from the many recent and repeated proofs of obedience, loyalty and affection, from the colonists, and of their liberality and disinterested zeal for the honour of his Majesty's arms, which they have freely and cheerfully followed into distant climates, after the complete conquest of America; he is equally assured that his American subjects are incpable of being influenced by narrow or selfish motives. His Majesty has the fullest confidence in the repeated declarations of his American colonies, who have separately and collectively declared "That they do sincerely recognize their allegiance to his crown, and all due subordination to the parliament of Great Britain; that they shall always retain the most grateful sense of the assistance and protection which they have received; that their lives and fortunes are entirely devoted to his Majesty's service, to which, on his royal requisitions, they have ever been ready to contribute to the utmost of their ability." Therefore his Majesty has the fullest dependence, "That whenever the exigencies of the state may require it, they will, as they have heretofore done, cheerfully contribute their full proportion of men and money." His Majesty entertains the most confident hope, from the upright intentions of both parties, that, upon a cool re-consideration of the original matters in dispute, which his Majesty has endeavoured to state upon the grounds of reason, with fairness and impartiality, all unhappy animosities and civil distractions will be composed upon the solid foundations of equity and justice; and that all things will be restored to that happy state of harmony and mutual affection which subsisted at the termination of the late glorious war; and that every hostile and vindictive act, or declaration, which has passed from the commencement of these unfortunate troubles, will be buried in everlasting oblivion.

"It would be a grievous affliction to his Majesty, to see the courage of his faithful subjects averted to civil dissentions, and the lustre of the national arms stained with civil blood; to see the general peace and tranquillity broken, and invitations thereby thrown out to his enemies, to dis-

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turb the glories of his reign; to see the unhappy divisions of this kingdom against itself, giving courage to their secret resentments, and tempting them, in an evil hour, to re-assume those hostile purposes against his Majesty's dominions, which the united and compacted powers of the whole House of Bourbon were unable, in the late glorious war, to accomplish, against the then united and compacted arms of Great Britain and America. His Majesty's most earnest and most anxious wishes are, to see unanimity restored amongst all his subjects, that they may long enjoy in peace the fruits of those common victories which have heretofore cemented them in one general cause; that living in harmony and brotherly kindness one towards another, and in one common obedience to the supreme legislature, they may join all hands with one heart, to support the dignity of his crown, the just authority of parliament, the true and combined interests of Great Britain and America; and thus transmit to posterity, with everlasting honour, the united empire of these kingdoms."

This is the plan, and the terms, or to the effect, that, according to the best of my judgment, a requisition on the present subject should be drawn. I have endeavoured to state the case in such a manner as may open a way to reconcilement on both sides. Make your requisitions free, and let them be founded in reason and justice; and there are no subjects in any kingdom that will be deaf to reason, justice, common interest, and mutual obligations: and I am sure, from the repeated liberality and zeal of our colonies, we, of all the kingdoms in the world, have the least reason to distrust those of our own consanguinity.

I cannot think it a possible thing in our constitution, that any one seriously, upon a moment's reflection, can admit the thought of denying to the Americans their judgment upon the necessity or application of money required. That is the right of all free subjects, without which they have nothing that they can call their own. Let your requisitions be free, for reasonable and substantial services, and faithfully performed, and there is no example of a refusal in such a case, in any state. That consents are withheld, and ought so to be, in case of grievances unredressed, our own history abounds with examples. Our rights and liberties would have long ago been trampled under foot, but for that reserved power in the Commons. But a refusal, in a reasonable case, is as yet without example. Absurdity and caprice are not the principles which govern men in the great concerns of state: but reason over-rules all little caprices. In Holland, the consent not only of the states general, but of the provincial states, and in many instances, I believe, of every town in each province, is necessary for great acts of state; and yet that negative never stands in the way against reason. Where measures have common sense, and common reason, for their foundation, they will never be obstructed; where they have not, they ought to be defeated.

But it is said, that we can hear of no terms with the Americans, who have been in a state of resistance to our authority. Sir, I wish to cast no retrospect, but only to look forward to reconciliation, and to prevent the shedding of blood. The resolution of the noble lord has confessed, and the House has adopted the truth of it, that requisition is the proper way. Your colonies have been calling out to you incessantly, for ten years, to make your demands by constitutional requisitions. This House, after a ten years misunderstanding, has confirmed that to be, in their opinion too, the right way. Then why not close now at least upon that ground, without retrospect. The colonies have been driven to resistance against their wills, lest they should have nothing that they could surely call their own. The right to take any nation's money indefinitely, without their consent, without measure, without account, without any enquiry into the application, is not to be conceded or compromised by any nation upon the earth. Resistance or ruin must infallibly be the consequence; and those who are compelled to resistance, by your having persevered in the principle of taking by force, till the noble lord's proposition, which has at least condemned it, have been forced to deny that authority, which they always had, and always would have wished to acknowledge and support. It was that unconquerable and irresistible impulse of nature, self-defence, which cut off all retreat: then let us cast no retrospect. If the grounds of this unhappy dispute can be settled, all may be peace yet. If the Americans could be assured that you would not again make resistance absolutely necessary to their security and very being as a people, they are ready

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enough to acknowledge their subordination, and all the rights of Great Britain. Let them know, that peace and security to their rights and properties shall be the certain condition of acknowledging the supreme legislation of this country, and the matter is ended.

Sir, after I shall have received the determination of the House upon the motion for requisitions, I shall take the liberty to offer three other motions, for a suspension of the three vindictive American Bills of the last session. The connection of these motions with the preceding, is too obvious to require any explanation or debate. I would only take leave to say, that I should not have moved for a mere suspension of these Bills, if a motion for their repeal had not already been rejected by this House. Having given an unavailing vote for their repeal, I now come to entreat for the next degree, at least for suspension. You have excommunicated Boston, and proscribed the whole province of New England unheard: then recollect your justice, and whether you send even the noble lord's compulsory requisition to America, or this motion of mine for a free requisition; suspend your vindictive hand, and, whilst you treat for peace, arrest the sword.

Sir, I have now offered what I have to say upon this important subject. I have given it my most serious, I may say my only attention, ever since I have been in a situation to give a responsible vote upon it; and I heartily wish that some means or other may be found in time to stop the effusion of civil blood. And here, Sir, I offer my poor sentiments to the House and to the noble lord, as in the place of minister. It is a great responsibility that will lie at his door, who is to have the recommendation, I might say the decision, of the measures to be adopted. We on this side the House, who have opposed the whole system of American measures, have not done it merely for the sake of opposition. We have not sheltered ourselves under "No, no,"—But we have declared our principles, we have offered our plans; and they must now remain with Great Britain and America at large, to discuss and weigh their merits, to accept or to reject them. The noble lord has a great ascendant in this House. Perhaps his plan, if he has any thing to be called a plan, may find advocates and voices here. But our country at large, Great Britain and America, must finally decide. My honourable friend near me (Mr. Burke) has, with unrivalled ability, opened to you his principles and plan. The earl of Chatham has, in the other House, offered his provisional Bill for conciliation, to the ministry there: and for myself, Sir, it is with the greatest deference and humility that I presume to offer any thing of mine, in conjunction with such great names and abilities. I can only plead the sincerity of my intentions as an apology for my presumption. All our plans tend to one centre, and to one point of reconciliation, to save the effusion of blood between those who ought to be reciprocally good and useful friends. If the noble lord has any secret feelings of relenting, as many of his friends, and many more who would be his friends, most sincerely wish, let him stand out, and do justice to his feelings. His country calls upon him, not to give way to sanguinary and impatient councils, contrary to his own better judgment. This is the decisive hour; the fate of Great Britain and America are depending.

The eyes of all this country, and America too, are turned towards the noble lord, as the ostensible and responsible minister, to receive his final determination, as to the measures which are to decide the safety or ruin of this empire. The ways of peace are still before him. If war is to be the measure with America, let him consider, that it is not a majority of this House that can conquer America. The support of reason and justice to his measures will stand him better in stead than the noisy tumult of a majority; in which majority there may be lurking treacherous counsellors, and pretended friends, secretly urging him to his ruin, even against his own judgment. The important responsibility is out of measure. When the debates and measures of this year are transmitted to America, they may, perhaps, tell the noble lord—Had you pursued a plan of equity and justice, all had been peace. At home, one plan of conciliation has already been proposed, for which the city of London, foreseeing the certain ruin of other measures, has given thanks to its great and noble author, as an earnest for the rest of the kingdom. If Great Britain and America should come to one mind of peace, they may unite to crush those men who keep them asunder.

He moved, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give orders, that Letters of Requisition be written to the

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several provinces of his Majesty's colonies and plantations in America to make provisions for the purposes of defending, protecting and securing the said colonies and plantations; and that his Majesty will be pleased to order all such addresses as he shall receive, in answer to the aforesaid letters of requisition, to be laid before this House."

Sir *Cecil Wray* seconded the motion; he declared, he did it as it recurred to a system which had been in use before the present troubles had begun, namely, before the unfortunate passing of the Stamp Act, and wished all the rest of our disputes could also be put on the same foundation. He observed, in respect to the right of taxation, that the parliament of Britain had no right to tax those it did not represent; that representation had originally been for the sole purpose of taxation, and that it was only by chance, and an usurpation by the people from the crown, that the representatives had acquired the rights of legislation. This appeared from our ancient parliaments; in which, after the parliament had granted taxes, they applied by petition to the crown, to remedy certain grievances, which the crown sometimes did, by making an ordinance for that purpose; and that, even in the most despotic German governments, the prince could not at this day impose internal taxes, without the approbation of the states, or representatives of the people. That even if parliament had the right to tax America, he should be against using that power; as in that case justice would demand, that we should give to America an equal power of paying taxes; that that could only be done by opening the trade of the whole world to America in common with Britain; a measure which no one could wish to see adopted, as it would then be at the expence of the latter, and a very considerable defalcation ensue in its power of then paying the taxes it now does. That Britain, in his opinion, was at present low taxed in comparison with either of the neighbouring nations, or of what it was at the period before the commencement of the national debts. That the quantum of taxes are not to be estimated by the sum of money raised, but by the proportion such sum bears to the ability of the persons taxed: for instance, if a farmer, who, at the last mentioned æra, paid 100*l.* a year rent, and now is enabled to raise 300*l.* more than the sum he could then, by the increased price of his goods, he cannot be said to have his rent raised, but rather lowered, if his landlord makes him pay 200*l.* rent instead of one. He next observed how impolitic it was to undervalue the courage of those we were to engage with; mentioned the high spirit shewn by the people of Genoa, in driving out the veteran Germans, when raised by enthusiastic valour. He observed too, that perhaps the character given of the Americans was as true of our own common people; that in all conflicts between them and the military, a very few musquets from a few red coats, had always dispelled the most mutinous; at the same time mentioned, that the cause of this was the total disuse of arms; for those very people, when once disciplined, became the best of soldiers.—In his opinion the sole power this country ought to have over the colonies, which was of necessity, not of right, vested in the British parliament for the good of the whole, should only be exerted in saying what the colonists should not do, not what they should do; that in particular, it was requisite for parliament to have a watchful eye on the Navigation Act, and on all others which regulated the external commerce of all parts of our dominions, as on those, and on our trade, depended the sole power of paying our taxes.

Lord *North* opposed the motion. He entered into the reasons for which the present measures had been adopted; and said that it could not, in the present state of affairs, betwixt us and the colonies, be consistent with our dignity in the least to recede. The propositions made to parliament against the measures adopted by the House, were very different from one another, and therefore inconsistent—lord Chatham's, Mr. Burke's, and the present; and that parliament having adopted his own, which were more consistent with the dignity and superiority claimed by Britain over her colonies, it would now be very unparliamentary to adopt new measures, which would in effect overturn it. He objected to royal requisitions, as projected, as he could not see the difference betwixt such a requisition and the demand by Charles I of Ship-money; as it was the same thing whether we asked for ships, or money to build ships. He observed, that if we adopted this proposal, it would not bring us back to the state we were in before the Stamp Act passed; nor could the idea of the gentleman, who seconded the motion, of parliament's having a right to

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say what the colonies should not do, take place without the consent of the colonies; as in the instance of burning the tea, assaulting the magistracy, destroying the King's stores, and other acts of violence, the colonies had been lately guilty of, which they would say they had a right to do, notwithstanding our prohibition of them.

Sir *Cecil Wray* said, he did not mean that this measure would bring us back to the state we were in with the colonies before the Stamp Act; but approved of the measure, as being similar to those in practice before the passing the Stamp Act; and that as to the prohibitory acts, he did not mean such as the noble lord had mentioned, which were only acts of self-defence against the execution of unjust tyrannical laws, but regulations of external trade and things of that nature, which, for the good of the whole, it was the duty of parliament to regulate.

Mr. *T. Townshend* observed, that though the present measures were adopted by a large majority in parliament, yet, if they did not succeed, the noble lord would find himself responsible; that it had been frequently said, that the disturbances in America arose from the advice and speeches made in England; that this he would call calumny, unless some gentleman would get up and avow this doctrine, and produce convincing proofs that this was so.

Lord *W. Campbell* answered, that he had said so in debate, and he had a right do so; he had letters in his pocket proving it, but the papers on the table were sufficient to convince every gentleman of it, without applying to private proofs.

Mr. *Lyttelton* observed, that the quarrel which brought on the late war was not for a quantity of derelict land in America, but that the French had endeavoured, by their encroachments, to obtain another port on the sea coast, Quebec being shut up by the ice for many months in the year, and Louisiana by no means a flourishing colony; that this port and communication would have been by the river St. John; that therefore the war must be considered as an American war.

Sir *G. Savile* shewed, that the three different propositions mentioned, had been made at different times; that when one could not be obtained, a second (something different, according to the rule of parliament) and now a third, again differing, were made; that this did not shew a difference of measures, but only a desire of obtaining something in favour of ourselves and the colonies. He expressed his surprize that the noble lord should liken requisitions of this nature to ship money; the dispute in the latter case was not the demand, but the manner of enforcing that demand under the sanction of law.

Mr. *Vyner* was surprized at two assertions of the seconder of the motion; the first, that Britain was not high taxed: he did not know what could be called so, if the present state was not. Did we not pay 3*s.* in the pound? Was not every article of life taxed? As to the second, namely, the cowardice of the people of England, that too he utterly denied: they were, indeed, inferior to regular troops, but that these troops were Englishmen, and as brave as any in the world.

Mr. *Tuffnel* attempted to shew, that the war, though begun in America, was the plan of the French minister, but that he did not mean it should have taken place so soon as it did.

The motion was negatived without a division.

Mr. *Hartley* also made the three following motions, 1. "That leave be given to bring in a Bill to suspend, for the term of three years, the force and execution of an Act, passed in the last session of parliament, entitled, 'An Act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares or merchandize, at the town and within the harbour of Boston, in the province of Massachuset's Bay, in New England.' 2. That leave be given to bring in a Bill to suspend, for the term of two years, an Act passed in the last session of parliament, entitled, 'An Act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law; or, for the suppression of riots or tumults in the province of Massachuset's Bay, in New England.' 3. That leave be given to bring in a Bill to suspend, for the term of three years, an Act passed in the last session of parliament, entitled, 'An Act for the better regulating the government of the province of Massachuset's Bay, in New England.'" All which were negatived.

Small Notes' Bill.] Sir *George Savile* moved the House to go into a committee, to consider of the evil arising from the circulation in payment of notes of small

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value. Two witnesses were examined, and several of the notes were produced, some of them so low as a shilling or eighteen pence. This evil seemed to be confined to certain trading parts in Yorkshire; where it had been productive of the most iniquitous consequences. A Bill was accordingly ordered to be brought in on the facts stated, to correct the evil complained of.

Proceedings on the Bill to incapacitate the Voters of Hindon.] March 29. A motion was made for the second reading of the Bill for incapacitating 188 voters of the borough of Hindon; and another motion was made, That Thomas Spence, one of the persons therein included by name, should be called in; and after some debate, it was agreed to. He proceeded to give evidence directly controverting that of one of the witnesses before the committee, on whose testimony a great number of the persons meant to be disfranchised were presumed to be guilty of bribery. He was ordered to withdraw; which produced another debate on two points. The friends of the Bill first contended, that as a *particeps criminis*, he was not a competent witness, as he must be interested in the event; secondly, that as his testimony went to charge another person with wilful perjury, that person should be present in order to defend himself against the accusation; and to have his evidence before the committee read to him. After a long altercation, it was agreed that Spence's name should be erased out of the Bill, in order to render his evidence admissible. They were just proceeding to examine him, when the friends of the Bill, returning to their former ground, insisted that the witness should not give evidence to any point which might impeach the testimony of the before-mentioned absent witness; and a motion being accordingly framed, stating the part of the evidence Spence should be examined to, the question was put, and the House divided, Ayes 120, Noes 107. Spence was called again to the bar, but before he proceeded, he desired to know whether he had been charged in the report with being an agent, or as a person receiving a bribe? and no answer being given, he was desired to proceed. He replied, he had nothing more to say; but that he was ready to answer any question that might be put to him, on which he was ordered to withdraw.

The debate recommenced, and several propositions were made relative to the mode of examining the witness; but they were all overruled. The arguments chiefly made use of by the opposers of the Bill were, that the testimony on which the Bill proceeded, respecting great numbers of those persons supposed to be convicted of bribery, was contradictory, and not deserving of credit; that it was therefore cruel and unjust to involve the innocent and guilty in one common punishment; that the bribers were much more criminal than the bribed; that reversing this proposition, the Bill went to punish the latter in the most exemplary manner, while its friends were contented to let the great offenders escape with the like general censure of a resolution, which they did not regard; and, that on the whole, the intended punishment was totally inadequate to the purposes for which it was pretended to be inflicted, that of deterring the taking of bribes, and preventing of corruption; for as no man who wished to come into parliament by such means had any thing to fear, so on the other hand, much the greater part of those who are induced to sell their voices, would, from their poverty and distress, be always ready to hazard the loss of, nay, to give up their franchises, for present emolument. To this it was replied, that the present Bill, though it could not be expected to operate to the full extent they wished, would nevertheless have a very powerful effect upon every person not in the circumstances now described, and probably upon many of them too; that it did not preclude the House from inflicting that punishment so much desired on the other side; that they had reason to believe the affected moderation towards one set of men, and severity towards the other, was only meant to defeat all censure or punishment whatever; that if the gentlemen might be serious and sincere, they were willing to adopt any plan, and to co-operate in the execution of it, which would bring the matter clearly home to the great offenders; that it was a thing unknown in the course of parliamentary, or any species of judicial proceedings, to permit a person charged with a criminal offence, not only to exculpate himself, but recriminate on his accuser; and, that allowing it should be right to admit Spence the witness to recriminate on his accuser, it would be to the highest degree unparliamentary, irregular, and unjust, to suffer him to accuse another of

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a criminal offence, who was absent, and not in a situation to defend himself, by which he might be liable to be convicted of one of the highest crimes defined by our law, that of wilful and corrupt perjury.

The Bill was read a second time, and committed.

April 10. The order of the day being read for going into a committee on the Bill,

Mr. *Harris* professed his good dispositions towards the Bill, but doubted the propriety of going into a committee before the material parts, such as the preamble, &c. were first proved, in a course of parliamentary enquiry and examination. He believed that bribery had been committed, and he supposed that the persons meant to be incapacitated, were guilty of the offences laid to their charge; but as the Bill was manifestly a Bill of pains and penalties, the House could neither determine on belief or supposition, but when it was proceeding to inflict a punishment, so severe in its nature, and extensive in its operations, it required the most convincing and relative proofs, on the part of the prosecution, as well as that the parties who were accused, and were to be involved in such punishment, should be fairly and dispassionately heard in their own defence. He was therefore of opinion, that the supposed facts on which the present criminal prosecution was founded, should be proved before the House went into a committee, because that stage of the Bill always presumed the facts on which it was founded had been previously proved.

Mr. *Byng* observed, that the proposition made by the hon. gentleman, was totally irregular, and against the known forms of the House; that the Bill had been read a second time and stood committed; and that therefore the order of commitment must be first complied with before any objectionable matter which it contained could be regularly debated.

Mr. Attorney General *Thurlow* insisted, that the gentleman who first spoke, was perfectly within order; that the Bill was clearly a Bill of pains and penalties, and as such, required evidence sufficient to warrant the accusations which created the supposed delinquency; that it was unknown in the history of parliament, in the usage of the courts of Westminster-hall, in any judicial criminal process whatever, and the immutable laws of suubstantial justice, to condemn persons on doubtful and uncertain evidence, much less upon no proof whatever; and that therefore he should be against the Speaker's leaving the chair.

Mr. *Byng* complained of the very disagreeable situation he and the rest of the gentlemen who served on the Select Committee, and who drew up the Report, stood in. He stated the difficulties they had all along to encounter, and lamented the unhappy diversity of opinions that prevailed among the professed friends of the Bill; but he was now glad, that the mask had been partly drawn aside; and that the single question came to be, whether the Bill, clear of every secondary consideration, should or should not, be totally defeated in this stage. He then reminded the friends of Mr. Grenville's Bill, of their duty, and called for their support as it was demonstratively evident that the present attempt was ultimately directed at that modern palladium of the sacred right of election. He said, tired out, teazed, and thwarted as he and all the gentlemen of the same way of thinking were, he was glad that their opponents offered to meet them on fair and open ground; and no longer continued to harass them with difficulties and objections, as numerous as they were ill-founded; that the House would on the occasion be composed of only two descriptions of men, such as were professed foes to corruption, and were determined to endeavour all in their power to exterminate it with spirit and resolution; and those who as favourable to their power and importance, were resolved at all events to uphold it, and screen the delinquents. In answer to Mr. Attorney General's objections, that the present proceedings were without precedent in the annals of parliament, he desired that the Journals of 20th March 1728 might be read. This being complied with, they appeared to furnish a precedent full in point, which was the Report from the chairman (Mr. Oglethorpe) of the committee appointed to inspect the state of the Fleet prison, when, without any other evidence, but what the committee furnished, the House ordered in a Bill, for depriving the warden of his place, and for punishing him and several other persons therein mentioned.

The *Attorney General* allowed, that the precedent was in point; but said that mode of proceeding was contrary to every idea of legal proceeding whatever.

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Mr. *Fox* was warm against the Bill, and severe upon the committee. He said, it had been objected to him, that he had on a former night gone out of the House, and spoke to a witness, who was going to be examined. He owned he did, and was proud of the imputation, thinking it his duty as counsel for the culprit to do so.

Mr. *Byng* replied, though judges were supposed to be counsel for the culprits brought before them for trial, he confessed he was ignorant till now, that it was part of their duty to come off the bench, in order to instruct persons charged with criminal offences to make their defence; and prompt them with the answers they were to give on examination.

Sir *Cecil Wray*, though he approved of the second part of the Bill, namely, the introduction of the freeholders of the county as an amelioration of the constitution of the borough, yet opposed the Bill, as founded on injustice; the greatest culprits being suffered to escape, and the indignation of the House directed only against those whose situation in life rendered them more liable to the temptation of a bribe.

The Speaker then left the chair, and the House went into a committee on the Bill; previous to which Mr. Fox presented a Petition from the rev. Mr. Nairn, one of the persons proposed to be incapacitated. This produced another conversation, relative to the hearing of counsel, &c. At length, the counsel being called to the bar, Mr. Thomas Dundas, chairman of the committee, asked them, who they were counsel for? The mode of proceeding took up a consideraable time: it was at length agreed, that the several names in the Bill should be called over; and that the counsel should point out those for whom they were retained. This being complied with, Messrs. Bearcroft, Phipps, and Macdonald, were severally heard, as to the propriety of admitting Francis Meed, one of the persons named in the Bill, to be a competent witness. The counsel were then ordered to withdraw, and Mr. Byng moved, that Francis Meed be now called in.

The *Attorney General* opposed this upon several grounds: first, he insisted, that Meed was not a competent witness, because, as he was involved in the general charge, he should not be brought to give evidence to convict himself: secondly, his testimony was neither admissible nor creditable, for his evidence going to prove bribery against his brother electors, it would narrow the right of voting in the borough, and consequently inhance his franchise, because that right would be confined to a fewer number: thirdly, it was contrary to every rule of judicial proceeding in the courts below, to admit the evidence of a *particeps criminis*, as well as those of substantial justice; because take the alternative, a witness thus circumstanced must have an interest, either to excuse himself, or accuse others. And that, on the whole, as the present proceeding was in the nature of an indictment, to be followed by pains and penalties, it was never yet heard in Westminster-hall, or elsewhere, that any one person included in an indictment, was permitted to give evidence against his accomplices, as long as he might be supposed to have a positive and immediate interest in convicting them.

Sir *Richard Sutton* contended, that the learned gentleman's reasoning did not apply, even though he were allowed the full benefit of the most strict legal interpretation; because, the crime of bribery, in no case whatever, can be supposed to extend further than the person bribed; his bribery being not connected with any man's, nor any man's with his. The whole 188 were bribed, it was true, but every man but himself, or any given number of them, might be convicted, and not affect him; and in like manner with all the rest. So it was in every criminal prosecution whatever, where the proof against one man did not reach another, which could never happen in the present case. For instance, suppose one man indicted in Kent for a robbery, and another in Essex; will any man pretend to say, that either of these would not be a competent witness against the other?

Mr. Solicitor General *Wedderburn* agreed, that competency and credibility were things, though frequently attached to the same subject, totally distinct in their natures; it is your business, said he, therefore, to call the witness in, and examine him; but it is the province of the House to judge, from the particular circumstances under which he comes before you, whether he be a credible witness. As for his competency, I have not a single doubt on my mind that his testimony is admissible. He observed, that from the nature and magnitude of the offence, and the impossibility of obtaining substantial justice in the ordinary course of law, although the

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precise forms of legal process, adopted by the courts in Westminster-hall, would not literally justify the examination of the witness, yet it would be better to dispense with them on this occasion, than permit such notorious offenders to escape. If any part of the House still retain a doubt, said he, the obstacle may be easily removed, by either striking Meed's name out of the Bill, or if that is thought irregular, read the names over which precede his, postpone them, and then erase his name, which will substantially correspond with the usual methods observed by the dispensers of criminal justice, when they admit a *particeps criminis*, an evidence on the part of the crown.

Sir *George Hay* replied to the general position insisted on, that the legal mode of proceeding, and immutable laws of substantial justice forbid, that a *particeps criminis* should be permitted or obliged to give any testimony which might tend to excuse or convict himself, or affect others in this manner. I allow, said the learned gentleman, that the rule, as generally laid down, is a fundamental maxim for regulating the admission of evidence; but I know likewise, that it admits of many exceptions, one of which frequently happens in the court in which I have the honour to preside, assisted by the common law judges, that is, when substantial justice is to be obtained, and no other evidence can be procured to affect it, we admit one of the parties accused, though under the predicament so much relied on in the present debate, that of being indicted for the same crime, not, as in the present case, for the same species of offence only. For this reason, as well as the utter impossibility of reaching the offenders, I would by no means adhere too scrupulously to inefficient forms, which were designed to obtain justice and protect the innocent, not screen offenders; and as we are besides warranted by the most rigid and formal mode of judicial proceedings, I would therefore adopt the mode proposed by my learned friend early in the debate, by putting the question of postponing on each name separately, till we get to Meed's, and then erase that out of the bill or indictment, or whatever else you please to call it, which will obviate at once all the objections so much relied on by the opposers of this just and well founded prosecution.

Mr. *Henry Dundas* replied very warmly to the general reasoning employed by the friends of the Bill. He contended it was as repugnant to every rule of legal proceeding and mode of judicial process, civil or criminal, to permit a person to give testimony in any matter in which he was materially interested in the event, as it was palpably contradictory to common sense, and to every idea of equity and justice. The learned gentleman who spoke last, said he, seems to think, that justice ought to be sacrificed to obtain justice; but for my part, I am of opinion, that fifty offenders should be suffered to escape sooner than one innocent person should be punished; or which is the same thing, before any one of the supposed culprits should be condemned before they are legally convicted. But suppose for a moment, that the evidence applied to this or that particular man or description of men; is there a man at all conversant in criminal law, who will venture to assert, that because one has bribed, another has acted as agent, a third has received a bribe, that those different charges should be consolidated and made to apply specifically and generally against every individual comprized in the Bill? If the accusation before us means any thing, or bears any analogy whatever to proceedings in the courts below, the charge must be a charge similar to a conspiracy. Sure, then, however zealous the promoters of this Bill may be to carry a favourite point, they will hardly venture to maintain so absurd a position: it will not be contended, that any concert or previous communication has been proved. Does not the very argument on the other side, which says, that no particular proof reaches further than the individual to whom it applies, evince the direct contrary? If, then, no charge of conspiracy can be supported, how is it possible you can convict 188 persons in the lump, upon a general accusation, which on the very face of it applies to all of them, or applies to none?

Lord *North* said, he was inclined to support the first part of the Bill, respecting incapacitation; but he by no means approved of the mode of carrying it into execution, or the testimony on which the Bill proceeded; nor did he approve of the clause for converting the right of voting into a freehold, which, when it properly came before him, he was determined to oppose. His lordship then proceeded to examine the nature of the evidence meant to be given in support of the Bill, and after condemning it very fully, observed,

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that the mode proposed by the two learned gentlemen was totally impracticable in any stage, but much more so in a committee; for beginning with the names alphabetically, the House would be obliged to dispose of all those, till they came to the letter M; and of all the names in that letter, till they came to the name of Meed, none of which the House could in a committee postpone, but would be obliged either to retain or reject, without any proof whatever. For those reasons, he recommended to the gentlemen who were friends to the Bill, to withdraw it for this session; or if that were not agreeable to them, to drop the present Bill and frame another, leaving out the name of Meed, or any other person, whose testimony might be necessary to convict the rest; nor did he see any kind of material difficulty or delay it would occasion, for he knew nothing to prevent a similar Bill, clear of the objections stated against the present, being drawn up, and presented within twenty four hours.

Col. *Barré*, though a friend to the Bill, acceded to this proposal, because he disapproved of the mode of proceeding.

Lord *John Cavendish*, though a friend to the Bill, acceded to the proposal, because he disapproved of omitting the candidates.

Sir *George Yonge* accepted the proposal; but observed at the same time, that the force of opposition, abetted openly by administration, was not directed so much against the Bill in question, as against Mr. Grenville's Act, to which this was a supplement.

Lord *North* disclaimed all such sinister intentions. He said, he had opposed Mr. Grenville's Bill openly, and never underhand; that that Bill had its own jurisdiction, that of deciding who should have seats in that House, which he should never undermine or attempt to take away, while it continued part of the law of the land: that the present was a matter clearly and distinctly appertaining to the House, on which the House itself were the only judges; and, that he was sure the person who was the author of the Bill, never meant that the House was to be directed in criminal prosecutions, and on bills of pains and penalties, by the reports of its committees. He moved, that the chairman do now leave the chair.

The House being resumed, it was ordered, "That leave be given to bring in a Bill to incapacitate certain persons, therein mentioned, from voting at elections of members to serve in parliament; and for preventing bribery and corruption in the election of members to serve in parliament for the borough of Hindon, in the county of Wilts." The Bill was brought in and read a first and second time.

April 27. The House went into a Committee on the Bill. Counsel for the several persons whose names were included in the said Bill, were called in, and asked for what persons they were retained; and it appearing that one of the petitions, subscribed by 131 persons, had not been referred, and a doubt arising, in what manner that informality could be remedied, sir G. Savile expatiated on the great hardship there would be in condemning so many persons unheard, on a mere omission, proceeding from ignorance on the part of the petitioners. It was therefore agreed, that the chairman should report progress, and move for leave to sit again; which being complied with, the Petition was received by the House, and regularly referred to the committee. Mr. Thomas Dundas moved, that enquiry might be made, if Thomas Spencer, and John Becket, witnesses, ordered to attend the committee, were in the lobby, and no such persons being to be found, he moved, that Thomas Howell, one of the petitioners against the Bill, might be called in; and the witness having contradicted himself in the course of his examination, relative to some expressions he had let fall, that if Francis Meed, summoned in support of the Bill, would absent himself from his attendance on the House, Thomas Spencer and John Becket would do so likewise, the standing order of the House was read to him, which denounces the displeasure and punishment of the House for giving false evidence or prevaricating; but this not having the proper effect, Mr. Solicitor General moved, that Thomas Howell having grossly prevaricated in giving evidence before the committee, be, for his said offence, committed to Newgate. Mr. Solicitor being doubtful in what manner regularly to proceed, wished to postpone his motion till the Speaker should resume the chair; but Mr. Dunning urging the necessity of immediately punishing the delinquent, as an example to the other witnesses, in the course of their future proceedings, and suggesting that the obstacle of the House being in a committee, might be easily re-

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moved, by the chairman reporting some progress, and desiring leave to sit again, the expedient was adopted, and Howell immediately committed to Newgate.

William Lucas and Henry Chant, were severally called in and examined, relative to their being in company with Spencer and Becket the preceding evening, at the Star and Garter, in Palace-yard, after the rising of the House; and having in the course of their examination contradicted each other, they were confronted, and in the course of their second examination having varied almost throughout from the matter first given in evidence, after an examination of full three hours, Mr. Solicitor General moved, in the like terms; for their commitment to the Gate-House. He was again seconded by Mr. Dunning; and, as on the former occasion, Mr. Speaker was directed to make out warrants for their commitment.

Mr. Thomas Dundas moved, that the chairman do report to the House, that Thomas Spencer and John Becket, two of the persons ordered to attend said committee, had not attended, &c. but purposely kept out of the way; and the Speaker having finally resumed the chair, and acquainted the House with the said resolution of the committee, Mr. Dundas moved, that Mr. Speaker do issue his warrant, that the said Spencer and Becket, for their said absence and contempt of the orders of the House, be sent for in the custody of the Serjeant of Arms.

May 8. General Smyth being called in, and asked where he had last seen Becket or Spencer; he replied, he understood that he was not obliged to answer any question which might lead to criminate himself; that therefore, with the indulgence of the House, he chose to decline it. He was then asked, when he had last seen them; he replied, not since the 16th of April. Captain Nairne was called in and examined. The purport of his replies was, that he had not seen Becket or Spencer since he was in their company at the Star and Garter in Palace-yard, the day before they absented themselves. This short examination being finished,

Mr. *Thomas Dundas* observed, that as the session was drawing to a close, and there was no probability the witnesses would attend during the remainder of the present session, and if they should, that it would be too late, he meant to move the House, were it agreeable to the friends of the Bill, that the further consideration of it should be deferred till next session.

Mr. *Byng* said, that for his own part he was well satisfied of the propriety of what was now offered, but he should be extremely sorry that any idea should prevail either within or without doors, that it was intended to give up the Bill, because, for want of necessary evidence, it might be thought prudent to postpone the further consideration till the time now proposed.

A doubt now arose in what manner to proceed, and a member having suggested that the order be discharged, and another, that the further consideration of the Bill be put off for three months,

Sir *George Yonge* observed, that from the nature of the business, the expectations of the public, and the peculiar manner the House were called upon to exert themselves, an adjournment of three months would be extremely improper, as it might import that all further proceedings were at an end; instead therefore of adjourning the business generally, or for three months, which would be in fact deserting the principle the gentlemen of the committee and the House had hitherto acted on, he recommended some specific resolution of the House, which would convince the public that neither one nor the other had the most distant intention of stopping short in their enquiries towards the attainment of justice, but on the contrary were determined to punish the delinquents of every size and complexion, by way of example, to the very utmost.

Mr. *Dundas* then moved, that the order be discharged, and that the report from the committee be taken into consideration as early as possible next session.

Mr. *Byng* observed, that though the House could not, for want of evidence, go through with the Bill, yet it became highly incumbent on them to leave nothing undone that was within their power; he therefore moved, that no writ be issued for electing burgesses to serve in parliament till after the said report be taken into consideration.

Mr. *Fox* condemned this mode of proceeding loudly, and in the course of a very warm speech, lamented that the House had lost all power and energy, and that their orders were contemned. He attributed this humiliating situation to the united conduct of such as profess themselves the friends of popularity, and those who were resolved to keep their places at all events, by which means the rights and

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privileges of the House of Commons had been shamefully betrayed. He instanced the case of J. Miller, the printer of the London Evening Post, the conduct of the city magistrates on that occasion, and the timid behaviour of administration, who after appointing a committee, and putting the gentlemen who served on it to an infinite deal of trouble, permitted the offenders to escape with impunity, or rather to go off in triumph.

Mr. *Solicitor General* replied to Mr. Fox, and endeavoured to shew the absurdity of his mode of arguing, by advising the House to stop all further proceedings, because the witnesses kept out of the way. He was inclined to think, he said, that the contempt now shewn ought to induce the House to act with spirit and vigour, and instead of permitting the writs to be issued, the only event, he supposed, the offenders and their friends wished for, he would recommend that some signal mark of the displeasure of the House ought to be expressed against those who directly refused to obey its orders. He then moved, That an Address be presented to his Majesty for issuing a proclamation, and offering a reward for apprehending of Thomas Spencer, and John Becket. This was agreed to *nem. con.*

Mr. *George Grenville* observed, that however desirous the House might be to punish the great offenders, he would be much better pleased as to the merits of the business at large, if they were dealt with according to law; that in his opinion the bribers were much more criminal than the bribed; that while those who occasioned the mischief were suffered to escape, it would be to no purpose to punish the inferior actors and instruments; and that on the whole, considering every resolution as an *ex post facto* law, enacted for the particular purpose, he would be much better pleased to have the delinquents suffer by the weight of the laws already in being. He added, that it required no proof, no evidence, and could occasion no diversity of opinion; for the grounds of the motions he intended to make were plain and simple, and founded in the resolutions of the House itself, for they grew out of those of the 23d of February, and the standing order renewed at the commencement of every session. He then moved, that the four resolutions of the 23d of February might be read, which declare the four candidates at the late election for Hindon, to have been guilty of bribery, and the next the standing order of the 5th of December, that any person who shall be found guilty of bribery shall be prosecuted to the utmost extent. This being complied with, he moved, in the words of the resolution, that for his said offence the Attorney General be ordered to prosecute Richard Smyth, esq.

Sir *John Wrottesley* said, he would early in the next session move for leave to bring in a Bill, to disqualify in future any person from sitting in parliament, who shall be convicted of bribery, before any of the committees chosen to determine controverted elections.

Mr. *Dunning* objected to an indiscriminate prosecution, as he contended that the offences differed, and that in particular the supposed criminality of Mr. Beckford was very doubtful, and far from being satisfactory.

Mr. *Grenville* replied, that Mr. Beckford's case rested on the same ground with the rest, for the Act against bribery made no difference between actual bribery and a promise to bribe.

Mr. *Dunning* urged the impropriety of prosecuting on the statute, in order to recover the penalties; but said, he presumed the prosecution would be carried on against the offence, as it stood by common law, in which event it would answer very little purpose; as, after conviction, it would lie in the breast of the court to inflict what degree of punishment they pleased, such as a fine of 5*s.* or a month's imprisonment.

Mr. *Grenville* answered that it was no part of his motion to direct the mode of prosecution; that all the House meant to do, was to give directions for carrying it on, but he could see no impropriety in prosecuting on the statute, nor of applying the penalties, if recovered, towards defraying the expence.

Mr. *Temple Luttrell.* However seriously the business of this day may end, I can but observe as a scene truly farcical, the air of surprize and of abhorrence which certain gentlemen facing me put on at hearing of bribery in a borough election; somewhat like the stern legislators of old, who were to decide upon a crime against which the law had provided no punishment, holding it of too black a dye for human nature to commit. Sir, I have always understood candour and moderation to be among the best attributes of a judge; that while he is sitting in judgment upon

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the iniquity of others, he should himself be clad with the robe of innocence. Sir, we seem completely to have adopted the Spartan maxim, that guilt belongs rather to the misfortune of being found out, than to the actual commission of a bad offence.

It may indeed be prudent or incumbent upon us to render more effectual the statutes now in being against such electors as sell their votes: but there are, I presume, no parliamentary regulations, as to candidates who attempt to purchase a seat, excepting the statute for bribery, which lays a fine of 500*l.* and which can be recovered, as the law stands at this day, so as to answer the charges of prosecution, and carry with it an adequate punishment to the guilty. The candidate is not a trustee for the public, as is the case with the elector, who ought freely and conscientiously to return such substitute as he thinks best qualified to discharge the important duties of a member of parliament. The candidate may perhaps be a man of considerable fortune, and as such deeply interested in the welfare of the state; and however indirect the means he uses to succeed, the ends he has in view may not be illaudable; though he gain a seat by undue influence, he may for his own sake act in it for the benefit of the community; and if he escape detection, he will scarce be accounted among the most dependent members of your body. If (like the present objects of your wrath) he be convicted of bribing, he must lose the favourite design of his ambition; he is disgracefully cut off from parliament, and liable to numberless actions of 500*l.* each; which, Sir, I repeat again, will in my humble conception, amount to a punishment not far short of his crime. Besides, in the recent cases before us, the receivers of the bribes have perhaps been the corruptors. Here were no snares to entrap the unwary, no proffered temptation to pervert the innocent minds of a simple set of rustics. A fixed system of venality has, it seems, been delivered down at Hindon, from sire to son, through many generations; and a candidate, with the talents of Burleigh, added to the integrity of a Tillotson, and every polite grace of sir Philip Sidney; in short, with all the pretensions of the honourable member who made this motion, must have stood little chance against the devil himself, with a dancing punch for his canvasser. But, Sir, though I hold it expedient to check these glaring abuses, I am persuaded that the head-strong voters of Hindon saw not the full scope of their wickedness; they have sinned after the highest examples in this country, with the extenuation, that the sin has in them proceeded rather from bad habit than bad hearts. And, Sir, where the laws have lain long dormant, as has been too sensibly the case throughout Great Britain in bribery at elections (as well with regard to the giver as the receiver) they should not, I think, be thus suddenly awakened to their fullest exertion and rigour. Recollect, Sir, that an hon. baronet has given us hopes he will introduce a Bill, next session, which must remedy the alarming evil now in question.

Respecting the complaint about an oriental torrent, we are to observe, that the principal actors of Shaftesbury and at Hindon are nabobs, a species of animal which it has become the fashion of the times to hunt down with a degree of ferocity and inhumanity, that men, endued by nature with the very best feelings, openly profess against whatever game they deem fittest for their sport. Sir, it is objected to these nabobs, that they have amassed riches with more rapidity than pains or desert; that some individuals of them have by unwarrantable, not to say savage practices, attained to wealth and pre-eminence in these kingdoms. But I see gentlemen in the very front line of this enquiry who will, I should think, scarce quarrel with them on that score; and indiscriminately to cry down any set of men whatever, under a general denomination, involving the worthy with the unworthy, the guilty with the guiltless, is so far from being a commendable pursuit, that it ought to meet speedy discountenance from the justice, the honour, and impartiality of the House of Commons. But, Sir, I am sorry to perceive something like the dregs of that envy and rancour which the last parliament (frontless as it was in many of its misdeeds) upon mature consideration, blushed to have ever harboured against a noble lord (Clive) now deceased; who stood on this floor to a very fiery ordeal. With all his imperfections, Sir, he surely possessed eminent qualities, and was a useful subject to this empire. Sir, these nabobs have poured immense treasures into the lap of the British monarchy; and were I now to select a character as a peculiar ornament to your own body, while he does honour to human nature, I should point to a man who owes his consequence and his property to Indian traffic.

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But, says the country gentleman, why should these nabobs obtrude upon our hereditary and natural interest? Sir, in a commercial land like ours, I would call that no unnatural interest, which arises from emigrative adventure and successful industry. If trade had never set her foot on the proud, beggarly dominion of your home keeping feudists, we should hardly have become the free, opulent, glorious nation we now find ourselves. Are you again, Sir, desirous to see aristocracy hold the Commons in vassalage? There are but too many boroughs still held by so unconstitutional a tenure. One Jew broker, with a borough like that of Old Sarum in his pocket, may surely wound the privileges and independency of parliament full as deep as all the profligate Christians of the New Shoreham club. Sir, the more contracted the channel for bribery, the better will be the chance for secrecy, and the more danger to the public of illicit contracts. Let those patriots who seem to be staunch and high-scented against the corruption of these our degenerate days not thus stand pruning the shoots merely to make the tree flourish with more genial luxuriancy. Let them, if they are in earnest, lay the axe to the root of the evil. It is a great, a necessary task, and they will find full work enough for their eager virtue. But why will they confine themselves to the East? They should turn their eyes to a different point of the compass. The increase of corruption is owing to a total exemption from punishment in certain elevated stations, not to the temper and mildness of your laws. An excellent classical writer says, in praise of the greatest nation this world has known, that no people were ever fonder of moderation in punishments than they were. But, Sir, I trust the inhabitants of this island are full as well entitled to that encomium, and will still continue to be so.

As long as I have the honour of a seat in this House, I will at all times, and on all occasions, stedfastly resist oppression or partial severity from whatsoever quarter it may come. The franchise of every citizen constitutes a part of the public liberty, and ought therefore to be touched with a very delicate hand. But, Sir, above all, I am for circumspection, and a lenient chastisement in these cases, lest by attempting to reform a lesser mischief, we induce a greater, and an incorrigible one. Consider, Sir, the extreme profligacy of many of the lower orders of men who have appeared before your election committees, and how little they regard the crime or punishment of perjury. Might it not be practicable to suborn such wretches falsely to swear to the actual commission of bribery in a candidate? And how easily may disappointed ambition, party vengeance, or state intrigue, urge on the ruin of the guiltless in bills of pains and penalties?

I fear, Sir, by putting the happiness and political existence both of the candidates and electors in the power of a ministerial majority, and by giving such majority a plea to new mould your cities and borough towns, you will defeat the main object of Mr. Grenville's Bill. Sir, as this is the first occasion I have had to mention Mr. Grenville, I must request the indulgence of the House a minute longer, while I offer up my tributary incense to the manes of that great man; and, Sir, I presume it will not ill become me, whose name, at the opening of the present parliament, stood at the head of a long list of petitioners for justice before your new tribunal. Sir, I never enter these walls—I never pass from them, with Westminster-abbey full in sight, but I consider that edifice, however costly, however crowded, to be essentially defective as to its internal construction, while it wants a monument in memory of Mr. Grenville. I know, Sir, when he gave to this House the palladium of the British constitution, he established a monument to his own fame, '*ære perennius*;' a monument which cannot decay while history shall exist; but I could wish that the sense we all have of the blessings resulting to our country from his divine Act, were recorded in yon venerable pile, which the gratitude of our forefathers has, through a long series of ages, made sacred to political wisdom and god-like achievement.

The question was put on the names of Richard Smyth, and Thomas Brand Hollis, esq. and agreed to without any further opposition. When the name of James Calthorpe, esq. was mentioned, next in order, some gentlemen contended, that as this gentleman's agency was brought home to him by only one witness, and that witness being Chant, who was now suffering under a commitment for prevaricating and giving false evidence before a committee of this House, they thought it would be extremely improper to order a prosecution upon so slight and doubtful testimony.

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To this it was replied, that an opinion had obtained among the lower sort of people, that they were not bound to tell the truth, because they were not upon oath at the bar, as before the committee; but that however Chant's testimony was not the only proof that the money given through the hole in the malt-house was distributed by Becket and Bye, two of Mr. Calthorpe's agents. The question was at length put, and the House divided; Ayes 109, Noes 23. The same mode of reasoning was used by Mr. Dunning and two or three more, in defence of Mr. Beckford, but the question being put, the House again divided; Ayes 104, Noes 21.

Debate in the Commons on the Bill to restrain the Trade of the Southern Colonies of America.] March 30. The report of the Bill to restrain the Trade and Commerce of the colonies of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, to Great Britain, Ireland, and the British islands in the West Indies, under certain conditions and limitations, being brought up,

Mr. *John Luttrell* said:

Sir; I am induced to offer a few observations upon the imperfections of the Bill before you, that we may not too hastily adopt an opinion which has been frequently held forth by the friends of administration, that, provided our trade from Great Britain and Ireland should increase, though that of America do suffer, you will have a greater number of seamen. Sir, it has been said, in support of the assertion I have alluded to, that very few American seamen return in English vessels from that coast. I think it a very fortunate circumstance that they do not, because we have no employment for them, and they therefore must become a burthen to this country. But I will appeal to my naval friends on the other side of the House, whose knowledge of maritime concerns is very extensive, if American seamen are not always impressed in every part of the world to man the King's ships whenever the service requires men? I am sure the books of the Northumberland, Sterling Castle, Southerland, Success, Lizard, and many other ships stationed upon the coasts of either America, in the course of the last war, will furnish us with very long lists of them; but they have hitherto been so intermixed with the seamen of this country, and always considered (as I hope they ever will be) equally valuable, and as one and the same people, that I believe it never yet occurred to the commanding officer of any squadron employed in times of war, either in the West Indies, America, or elsewhere, to make a particular enquiry into their numbers; the idea would have been accounted as unnecessary and strange as the distinction is new, ridiculous and dangerous. But, Sir, I have ever considered America to be a great nursery, where seamen are raised, trained, and maintained in times of peace to serve this country in times of war, and though I shall readily admit, from the distance of their shores, that you cannot lay hands upon them the first half hour of an armament, yet am I persuaded that you may be possessed of some thousands within the time usually prescribed for the return of English seamen from foreign services. As I am up, Sir, I would wish to say a word or two upon that part of the Bill which principally relates to the commanders of his Majesty's ships of war, employed for what the Bill stiles the protection, but would be much more properly termed the destruction of the trade, and it may possibly not be found quite so easy in practice as to some people it appears in theory, either to seize these vessels, or to discover false clearances or certificates. There are those that hear me, who perfectly well remember the variety of dextrous tricks practised in the course of the late war, by almost every nation, with respect to false clearances and certificates: the difficulties attending the detection, and the uncertainty of the event. There are those in America who bear in memory the shameful decisions respecting Monto Cristo men. They will be aware that though the vessels be condemned, and shared in America, they must be liable to appeals at home, and perhaps be obliged to refund, when the seamen have spent the money, and the captain (as has been the case) is made answerable for the whole. I have no doubt but the Americans, by being put into the calamitous situation they are, and feeling the tyranny of the mother country, will endeavour to carry on a trade at the risk of the fine imposed under this act of parliament; but there are few sea officers who, after a long peace, will find money to throw away upon such ungracious prosecutions; nor do I believe that they will wish to prosecute their fellow-subjects in a manner which may appear to them to be arbitrary and uncon-

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stitutional; besides we have been too roughly handled by the civil law courts, to wish to have many dealings with them. Sir, on the score of seizure I shall revert to my former arguments, that the King's ships cannot keep the seas in safety, in the northern parts of the coasts of America, for more than half the year. Whenever they can cruize, the Americans will have the advantages, that a perfect knowledge of the shoals, soundings, rocks, creeks, and places of shelter can afford them; by which means they must frequently escape your most vigilant researches: besides it is not a very pleasant service for an officer to risk the King's ships upon a lee-shore, with which he is totally unacquainted, not in pursuit of an enemy, but to destroy a friend. Upon the whole, Sir, I consider this Bill to be somewhat less cruel than that which is meant to demolish the New England provinces by famine; in every other respect I hold it to be equally mischievous. It is with real concern I see humanity and sound policy giving way to that hated revenge which involves indiscriminately the innocent with the guilty. By this oppressive Act you will certainly extend the unhappy differences which already but too generally prevail in America, to every province; nay, I fear I may say, to almost every individual upon that vast continent: therefore, I protest against the measure.

Mr. *Temple Luttrell.* Sir; it is but too visible, from the rash measures pursued by the ministers of your government here in England, and from the temper and situation of your American colonies, that a civil war will be inevitable. Gentlemen on the other side of the House have always held as a favourite proposition, that protection and obedience are reciprocal duties; and of course, that the withdrawing of the one discharges the other. Now, Sir, by these Bills you are withdrawing your protection to some purpose; I therefore presume your colonies are no longer to be treated as rebels, but, whatever may be the hazard of battle, will be entitled to the same military honours, to the same acts of clemency and of grace that are usually practised, according to the modern system of war, by every civilized nation in the world. You have a striking example of such rule of conduct from ancient time, in the most flagrant and sanguinary of all the wars the Romans ever waged: I mean, the war against their own countrymen, commonly called the Social War; a war that, in many of its circumstances, bears so close a resemblance to the present unhappy æra in our history, that I cannot help asking leave of the House to say a few words upon it. The passions of mankind, in the aggregate, are, throughout all ages, nearly alike; and the same probable events may, in future, be looked for from those causes to which they have heretofore been found incidental.

Several confederate Italian provinces, to whose courage and industry the Roman republic, in a great measure, owed her meridian splendor, despairing to obtain, by fair means, those privileges to which they had every reasonable claim, took up arms; they founded a new capital; they constituted a senate to themselves, and they chose consuls. The mass of the people of Rome, who stedfastly maintained those principles, which are the genuine principles of British Whiggism—a devotion to rational liberty, and a spirit of resistance to all exorbitant power wheresoever lodged—called aloud for vengeance on their ministers and patricians, to whose iniquity they ascribed every impending evil. Sir, a resolute tribune (and I hope a worthy chief magistrate of this metropolis will now take the hint) did impeach the ostensible contrivers and managers of so unnatural a war. And recollect, Sir, how it ended: the Roman senate, though aided by their old enemies the Gauls, and by some scattered factions in the heart of the revolted country, whose patriotism, like that of certain New-Yorkists, was not quite proof against state artifices and venality:—I say, Sir, the Roman senate was at length compelled to cede, with a very bad grace, those terms which ought at first, in justice, to have been accorded by amicable compact. During this civil conflict was spilt the best blood of Rome: in less than three years, near 300,000 persons fell in the field of combat. But there was a still more fatal consequence; for it was in this school that Marius, Sylla, and other aspiring leaders, learned their first rudiments of despotism, and familiarised themselves to the massacre of their fellow subjects. That sword which was unsheathed by order of the Roman senate, and under the authority of the Roman people, to deprive of the dearest rights of human nature, their allies, their associates, and brethren, was not returned into its scabbard till Rome herself had, at her inmost vitals, felt the sharpness of its edge. The generals employed on that occasion

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were many of them men of heroic sentiments, of humane dispositions; they might have sat for the amiable portraits which a very skilful colonist here drew of the three officers chosen to undertake a similar task on the American continent; they, too, talked of reluctance, they talked of compassion and universal philanthropy; at the very hour of encounter they announced themselves, *necessitate hostes, voluntate hospites.* Yet, Sir, these very men, once familiarised to domestic slaughter, and to military sway, could not prevail upon themselves to stop, till they had subverted the constitution, and totally annihilated the liberties of the whole commonwealth. In short, by this war the Romans were irrecoverably undone. Hence the perpetual dictatorship; hence the succeeding triumvirs; and at length, the throne and tyranny of Cæsar. Sir, I contend, that this our social war, like the war I have been speaking of, is founded on a laudable resistance to the despotism of administration, sustained by a parliamentary majority, rather than any defection in the Americans at heart from the mother country. The generous natives of England thirst not after an unjust dominion, neither can they look with an eye of malignant jealousy on their kindred colonists, who, scarce a century ago, drew, in common with them, one parental breath. Jealousy is too mean a vice to grow in a soil with such exalted virtues as distinguish a Briton: he seeks not the palm of victory earned at so dear a cost as by the destruction or abject servitude of millions of his fellow subjects—that too for upholding principles which he himself sanctimoniously reveres.

The first duty of a good citizen is to the public; and to assert, that the supreme sovereignty, as to the fundamentals of our constitution, be vested in any form of government whatever, or elsewhere, than with the society at large, is a traitorous doctrine, not merely against the Americans, but against our own immediate constituents here at home. The same allegiance that every private individual owes to the estates of the British monarchy, legally established, do those very estates owe to the community in general, which hath always reserved to itself, and asserted, certain original rights of mankind, that it would be rebellion, it would be sacrilege in us to violate. One of these rights is, that every, the minutest of the component parts of this great empire, shall be free from dissezin of property, unless under a direct or effective representation in parliament.

To force a tax upon your colonists, unrepresented, and universally dissentient, is acting in no better capacity than that of a banditti of robbers. Can our folly and our vanity lead us to flatter ourselves, that they will be taught by our armaments or commercial interdicts, to own for their liege lord and tax-master, the possessor of a poor solitary sheep-cote on Salisbury plain? Or that (eccentric as they are with respect to this our distant and circumscribed sphere of the British isles) they will still continue to be cajoled by the absurd, empty plea of virtual representation? Sir, that word 'virtual' must contain in it more mystic power than the sacred archetype on Aaron's breast-plate, before it can be made to work an effect so contradictory to reason and common sense. The advocates for the coercion of America, who have frequent recourse to your written statutes, and who support their arguments as to the letter of the law, from Selden, lord Coke, and other high prerogative authorities, would do well calmly and seriously to consider of a passage in Montesquieu's divine Spirit of Laws. I allude, Sir, to a part of his comment on the triumph of the people of Old Spain over the idolatrous Mexicans; neither will it be necessary for me to point out to the House where the precise analogy lies between the first invaders of that southern continent, and our modern law-makers of the north. "Free men" says he, "they made slaves, when they made slaves free: instead of giving them the religion of peace, they inculcated on their minds a more outrageous superstition: it were impossible for me to enumerate all the good things they might have done; it were impossible for me to enumerate all the bad things which they actually did. The end of conquest is this; it leaves upon their victors (though marshalled in the best licenced cause) an immense arrear of debt to be paid off to human nature." Impious as it may seem to arraign the dispensations of Providence, I can but lament, that destiny had placed this 'fanciful' Montesquieu (as he is called by our celebrated pensioned essayist Dr. Johnson) in the presidency of a foreign parliament; the individual members of which, ever occupied in sacrificing to the graces, imperceptibly and totally lost their public constitution and liberty. Had, Sir, his lot

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been cast in this assembly to day, what might not so good a man, with his capacity and powers of inspiration, have effected? He might have staid the uplifted hand of ravage and oppression; and, though given us too late to prevent Great Britain from madly opening her own veins, he might perhaps have been the means of administering some timely remedy that should save her from bleeding to death. But, indeed, after the reception which a very respectable member (Mr. Burke) here met with some evenings ago, who pleaded the cause of justice and humanity, with an almost supernatural force of reasoning and with every charm of eloquence, we might even despair of working the necessary reform in this House, though an angel from heaven, with the full attributes of his beatitude, should descend among us.

There was a parliament in the reign of Henry 6, which, on account of the severity of its judgments and proscriptions against certain partizans of the York family, has gained in our annals the honourable distinction of Parliamentum Diabolicum. Now, Sir, by passing such Acts as these are, shall not we lay in a just claim to be transmitted down to posterity, if possible, under a still more infernal appellation? I am for rejecting the Bill with the deepest marks of penitence in us, for having proceeded in it thus far, and with every term of ignominy and abhorrence with respect to the wicked principle on which this, and its fellow edict for butchery and famine, the Fishery Bill, are grounded.

Lord *North* defended the Bill on the former ground of necessity. He offered a clause "to prevent frauds arising in the exportation of goods of the produce of the counties of Kent, Sussex, and Newcastle." A few observations were made on this extraordinary motion; which it was said was unprecedented in the annals of parliament, that of condemning people unheard, nay even without enquiry. It was answered generally, that the House was in possession of information sufficient to warrant the insertion of the clause. The clause was agreed to, and the Bill ordered to be engrossed.

April 5. On the motion for the third reading of the Bill,

Mr. *Hartley* spoke against it, as beyond measure cruel and oppressive. He observed with great concern, that no power was vested any where to suspend the operations of the Bill, or to abate its rigour, in case America was willing to agree to certain temporary stipulations, till the claims of one country and the rights of the other, could be fully ascertained.

Lord *North* said, that it did not seem to him necessary that such a power should be vested in the king and council; that the operations of the Bill would cease, nay, indeed the Bill itself exist or not exist, at the option of the Americans; for if they had a mind to seek the friendship and protection of Great Britain, which was a reconciliation he sincerely wished, they would comply with the conditions of the Bill, which were a free importation and exportation, to and from the mother country as usual.

Sir *William Mayne* declared, he did not mean to debate the principle of the Bill, and only differed as to the timing of it; that he was not in any respect altered in his sentiments, as to what ought to be the conduct of this country towards America, but only wished, that whatever measures were pursued might be conducted in so temperate and moderate a manner, as to induce the Americans to change their conduct towards Great Britain. He lamented that though the Boston Port Bill was well intended, yet ever since the carrying of it into execution, things had gone from bad to worse in America; to the degree, that at this moment the constitution of this country seemed to totter on its very basis; that amidst the greatest provocation this country ever received, he wished to suspend the uplifted arm of power, and give the infatuated Americans time to reflect what they had been doing, and whither their frenzy, if persisted in, must carry them; that entertaining these sentiments, he could not give his affirmative to the Bill, especially as he thought it would rather tend to irritate than reconcile; to unite in one common league, than to disunite the people of America.

Mr. *Rigby* pronounced the Americans to be in rebellion, and thought every Englishman ought to support the present measures; but be the event of our present disputes what it might, he never entertained a second opinion on the subject, and should never give up his sentiments upon any motive of a remote view of the consequences; for as the principles on which the present measure was taken up, appeared to him to be right, so upon a secondary consideration, he was resolved never to depart from it. He then entered

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into a history of the Stamp Act; said it was the work of a great minister, and attributed all our present confusions to its repeal.

The Marquis of *Granby:*

I rise to trouble the House with a few words on the Bill now before it. I have sat, Sir, during the course of two divisions, without taking any part: even so much as giving a silent vote on any American question: because, Sir, as I will fairly confess to you, I entered these walls with prejudices against the system administration was pursuing; I thought it was but justice to hear the arguments that might be urged on both sides, to compare those arguments, and draw my opinion from that comparison. As to the Bill, immediately the object of our consideration, I think it in every respect so arbitrary, so oppressive, and so totally founded on principles of resentment, that I am exceedingly happy at having this public opportunity of bearing my testimony against it, in the strongest manner I am able. In God's name, what language are you now holding out to America! Resign your property, divest yourselves of your privileges and freedom, renounce every thing that can make life comfortable, or we will destroy your commerce, we will involve your country in all the miseries of famine; and if you express the sensations of men at such harsh treatment, we will then declare you in a state of rebellion, and put yourselves and your families, to fire and sword. And yet, Sir, the noble lord on the floor, has just told this House, that a reconciliation is the sole object of his wishes. I hope the noble lord will pardon me, if I doubt the perfect sincerity of those wishes: at least, Sir, his actions justify my doubts; for every circumstance in his whole conduct, with regard to America, has directly militated against his present professions: and what, Sir, must the Americans conclude? Whilst you are ravaging their coasts, and extirpating their commerce, and are withheld only by your impotence, from spreading fresh ruin, by the sword, can they, Sir, suppose such chastisement is intended to promote a reconciliation, and that you mean to restore to their forlorn country those liberties you deny to their present possession; and in the insolence of persecution, are compassing earth and seas to destroy? You can with no more justice compel the Americans to your obedience, by the operation of the present measures, by making use of their necessities, and withholding from them that commerce on which their existence depends; than a ruffian can found an equitable claim to my possessions, when he forcibly enters my house, and with a dagger at my throat, or a pistol at my breast, makes me seal deeds which will convey to him my estate and property. [Mr. Rigby having declared the Americans to be in rebellion, lord Granby, in answer, said, his ideas of rebellion were totally different from Mr. Rigby's. If according to his ideas of rebellion, the Americans were in that state, he should be as warmly their opponent as he was now their friend; and then went on.]

I have a very clear, a very adequate idea of rebellion, at least according to my own principles; and those are the principles on which the Revolution was founded. It is not against whom a war is directed, but it is the justice of that war that does, or does not, constitute rebellion. If the innocent part of mankind must tamely relinquish their freedom, their property, and every thing they hold dear, merely to avoid the imputation of rebellion, I beg, Sir, it may be considered, what kind of peace and loyalty there will then exist in the world, which consists only in violence and rapine, and is merely to be maintained for the benefit of robbers and oppressors. I hope, Sir, I shall be believed when I assure you that I am as warm a friend to the interests of my country as any man in this House; but then it must be understood when those interests are founded in justice. I am not attached to any particular acre of land; the farmer in Cumberland or Durham is as little connected with me as the peasant in America: it is not the ground a man stands on that attaches me to him; it is not the air he breathes that connects me with him, but it is the principles of that man, those independent, those generous principles of liberty which he professes, co-operating with my own, which call me forth as his advocate, and make me glory in being considered his friend. As for myself, Sir, I am not in the least ashamed to avow that my attachment is to a noble lord, who has been, in my opinion, very unjustly reflected on in the course of this debate, (I mean lord Chatham) I am not even personally acquainted with the noble lord, I do not know the inconsistencies of which he stands accused; but this, Sir, I know, I shall not support his inconsistencies, I shall only

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support him in those principles which have raised his name to the elevation on which it is now placed in this country, and have so deservedly procured him the love and admiration of his fellow citizens.

Sir, I shall not trouble this House any longer, as this matter has been so fully discussed, though I must confess, I am not sorry a debate has taken place, because I was rather desirous of making a kind of political creed, some professions of my sentiments on this very important, this very serious national question. From the fullest conviction of my soul, I disclaim every idea both of policy and right internally to tax America. I disavow the whole system. It is commenced in iniquity; it is pursued with resentment; and it can terminate in nothing but blood. Under whatsoever shape in futurity it may be revived, by whomsoever produced and supported, it shall, from me, meet the most constant, determined, and invariable opposition.

Lord *North* said, that something having fallen from a noble marquis which he thought a charge directly against his honour, he would vindicate himself from that charge. He insisted, that the Resolution of the 20th February, and the present Bill, were by no means contradictory to each other; for the noble marquis could not possibly believe that the Americans would comply with the terms of the Resolution, while they resisted the conditions of this Bill, which were no more, than that the trade between both countries should be carried on in its usual manner.

Mr. Alderman *Sawbridge* spoke strongly against the Bill, observing, as it originated in manifest injustice, so it inflicted a punishment to the last degree cruel and oppressive. He hoped America would never tamely acquiesce to be dragooned and compelled to submit to terms as unjust, as the power which dictated them was obnoxious to the natural rights of mankind.

Mr. Alderman *Bull.* I shall only mention some facts relating to one very important article, because it has been the occasion of the unhappy disputes with, and the violent prosecution of, the Americans. I mean the article of tea. At the time the East India Company had in contemplation the sending a quantity of tea to different parts of Europe as well as to America, and to apply to parliament for an act for that purpose, I had the honour to be called upon for my opinion of the measure by a very respectable person in the direction of the Company, whose name I am ready to mention, if called upon by the House. My opinion then was, and I still think it not ill-founded, that the scheme was so extravagantly wild, that it was impossible it should ever be carried into execution; but if it could, it would injure, not benefit the Company, as they could not send their tea to any market where it would bring so good a price as at home. Besides, it would be an act of great injustice to the merchants here, who have always been used to buy for exportation at their sales. As to sending tea to America, from a knowledge of their disposition, the gentleman was informed they would not receive it; they would look upon it as sent there, not to serve them but to ensnare them; they would be exceedingly irritated; they would most certainly destroy it.—An objection was, however, raised. What must the Company do with their great load of tea, and how were they to raise the money they were so much distressed for? It was recommended to him to propose to the court of directors immediately to give out their declaration for two sales, the one in March, the other in September, and to put up their whole stock in hand; each sale, on a moderate computation, would produce about 1,200,000*l.*; and as they would be in cash for the first of them in about five months, they, the Company, perhaps might not be under the necessity of borrowing the 1,400,000*l.* they then wanted. The quantity of tea at that time in the Company's hands was said to be sufficient for six years consumption, and that great part of it was rotting in their warehouses. The real fact, however, was this: the Company then had 16½ millions pounds weight, not any of which had been in their warehouse more than a year and a half, and the greater part was of the last year's importation; none of it had suffered by keeping. The consumption, on the average of the preceding five years, was 8 millions per annum; so that the Company had in their warehouses a quantity sufficient only for two years, and not six years consumption.

If these sales had taken place, the price of bohea tea, the principal sort in demand for exportation, would have been reduced 4*d.* or 5*d.* per lb. which probably might have increased the demand for exportation and home consumption together, even to 12 millions per ann. I am of this

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opinion, Sir, because the four foreign East India Companies, viz. the Dutch, Danes, French, and Swedes, annually import more than 8 millions, although it is well known they do not themselves consume near half that quantity; the remaining four or five millions they constantly import, for the sole purpose of smuggling it into England, Scotland, Ireland, and America. The quantity that we have exported on the average of the before-mentioned five years, has been about 1,400,000 pounds; but this would be greatly increased, the price being only 20*d.* from which is to be deducted for the drawback, 5 per cent. which reduces it to 15*d.* on board; and if we add to this even the fatal American 3*d.*, it will be only 18*d.*; this price might perhaps have induced the Americans, as before, to receive the tea from the merchants, though not from the Company, and it would at once have put an end to all smuggling, for neither the Dutch or any other company would think it worth their while to send tea to America, to be sold under 18*d.* per lb.—I will not trouble the House with any observations on these facts; but I own I cannot be brought to believe that the tea was sent to Boston to raise money for the Company, to get rid of their load of tea, or to prevent smuggling, because each of those salutary ends might have been answered without injustice, or offence to any individual. The purpose for which the tea was sent to America, and the consequence, are evident now to every man's understanding. For these reasons, amongst others, I hitherto have, and shall continue, to the utmost of my power, to support the Americans, thus injured and oppressed by the cruel and vindictive measures of an administration, whose whole conduct breathes the spirit of persecution and popery.

Sir *John Duntze* said, that the Americans had by their open violence and repeated acts of disobedience, forfeited the good-will and protection of this country; and that it therefore became necessary for us to retaliate, in order to bring them back to a proper sense of their duty.

General *Conway* condemned the Bill in very explicit terms. He said, to be consistent, the House should either rescind the Resolution of the 20th February, or suspend any farther proceedings on the present Bill, till the effect and event of that proposition were known, otherwise we might possibly be inflicting the most severe punishment on people who were at the same instant acting in the strictest conformity to what was solemnly laid down by this House as the great rule by which their duty and obedience were to be regulated. He concluded with lamenting the unhappy divided state of both countries, and expressing his fears of the dreadful consequences which must follow, should the sword be once drawn, and the whole empire convulsed with all the horrors of a civil war.

Mr. *Rigby* said, the Americans would not fight. They would never oppose general Gage with force of arms.

Sir *Richard Sutton* was strongly for passing the Bill.

Mr. *T. Townshend* observed, that the noble lord, (North) and his friends, first created the necessity, and then, defended the measure upon that very ground; that is, said he, we do a thing we should not have done, our first essay being imperfect, and not to be executed upon the plan we first formed, it then becomes necessary we should do something else, if possible, more unjust than the former; so that, on the whole, we endeavour to carry into execution one act of injustice by exercising another, thus become necessary to give it effect.

The question being put that the Bill do pass, the Yeas went forth.

Tellers.

Yeas	Lord Stanley - - - - Mr. Cooper - - - - -	192
Noes	Marquis of Granby - - Mr. Ald. Sawbridge - -	46

So it was resolved in the affirmative.

Debate in the Commons respecting the Charter of the Borough of Saltash.] April 3. Lord *Folkestone* moved, "That the reservation contained in the last charter granted to the borough of Saltash, and expressed in these words, 'Which 'mayor, as well present as future, for 'neglect or default, or any other reasonable cause, we will, shall be amoveable 'by us, our heirs, and successors,' is unconstitutional, as it tends to restrain the freedom of elections, and of returns of members to serve in parliament for the said borough, and establishes a precedent dangerous to the Commons of Great Britain, and to the public liberty of the realm." His lordship, in a long and able speech, pointed out the manifold dangers which might result from the interference of the crown in such boroughs as send re-

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presentatives to parliament. He shewed, that the charter in question gave to the crown a power of removing the mayor at pleasure; that that mayor was, 1. an acting magistrate for the borough, *ex-officio*, consequently, that his being removable at pleasure, was a circumstance incompatible with the principles of justice. 2. That his consent was necessary for filling up the body, consequently the crown had indirectly a subsisting influence in those elections, which manifestly tended to the influencing parliamentary elections. But 3dly, and chiefly, that he was the returning officer for the borough, consequently that it was not to be imagined but that he would be removed at the eve of an election, if he was not in the interest of the minister, and that, by getting another more favourable in his place, the minister would be sure of the return. He compared the ends of the clause with the judicial sentence of despotic power, 'sic voto, sic jubeo, stat pro ratione voluntas.' He said that the exclusion of pensioners from the House, was a proof that men felt, that a person under influence or the bias of interest would not be independent. He said, that in part the members for Saltash must be the minister's nominees in future times, though the independency of the present members (sir Charles Whitworth, and Mr. Grey Cooper,) might seem to take off the weight of this argument, as at least it prevented the application of that term with propriety at present; that burgage tenure boroughs had been often complained of as the bane of this constitution, but the mischief resulting from them was not to be compared with that of such boroughs as Saltash, for though the elections in the former case were reduced to a few hands, yet they were the hands of the people, whereas, this was putting elections into those of the king, and consequently confounding the component parts of the legislature. He admitted that the model of the charter was not new; for that it was taken from one of Charles 2's in the year 1683, a time so inauspicious to liberty of all kinds, that he never could have believed modern times would have quoted such a one as a precedent, much less as a justification. He expatiated very fully on the attempts of two monarchs of the House of Stuart, who finding all other attempts prove unsuccessful, had at length recourse to the garbling of corporations, and granting new charters, as the only certain means of undermining, and in time, totally destroying the constitution. He quoted sir George Treby and sir John Dalrymple as authorities to prove the intention; the bishop of Londonderry, Dr. King, to ascertain the effects of such charters. He said, that defending this charter because it is the same as Charles 2's, was an argument like what *pudoris causa* had not been attempted, but with equal reason might have been in the late Grenada cause,* when depending on prerogative to raise money by proclamation, they might have said Charles 1 levied ship-money by prerogative, and he observed as a remarkable circumstance, that in the last century an innovation upon the subjects' right of raising public money, and of chusing their own representatives, was attempted, but they were in different reigns, when neither attempt had been previously condemned by parliament. He said it would have been ridiculous, perhaps last year to have complained of Charles 2's charter; is it improper to complain when it is renewed?—the illegal clause must be inserted by accident, or design—if the latter, the law officers adopt its illegality, and make it their own. They must allow, its being a mere copy of Charles's does not make it legal: and if it does not, they must either contend, that Charles had no intentions of destroying the liberties of this country in his modelling of corporations, or that in the instance of Saltash he deviated from that plan; or they must admit that he had such a plan; that the Saltash charter was part of that plan, and consequently, that it had the objection imputed to the new charter, which is a copy of it. He said, the clause in question was not in the charter previous to 1683, and that therefore those who were, upon principle, friends of the constitution, and of the royal family on the throne, had great cause to complain that, as that king had made a change so hurtful to liberty, the advisers of his present Majesty would not make an alteration, if it was only to counteract the mischiefs of their predecessors. He quoted lord Mansfield that such reservation was unnecessary, and so justified his apprehension, that being needful for a good purpose, it was designed for some bad one.

Mr. *Powys* seconded the motion, with an apology for his taking up a matter so

* For a full account of the Proceedings in the Case of the Island of Grenada, See Howell's State Trials, vol. 20, p. 239.

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intricate as the construction of charters; but said, that as the present spoke not the abstruse doctrines of law, but plain English, intelligible to the meanest understanding, he could not resist the invitation of his noble friend to assist him in an enquiry of this nature. That he was sensible the learned gentlemen, who were almost parties in this business, and were particularly called upon to support a defensive side, were used in the course of their profession to quirks and subtleties, which might puzzle and perplex the unlearned, but their recollection that they were not advocates here, but members of parliament, ought, and he did not doubt would, induce them to use a more open and manly conduct. He said, the charter, as favourable to prerogative, they might think it their duty as servants of the crown to promote; but if it could ever be said, that it was any person's duty to extend the prerogative, he was sure it was the duty of that House to check and controul it. He took this opportunity of declaiming against the Stuarts, to express his abhorrence likewise of all those who were in the opposite extreme: and concluded with saying, the mover and himself might be called Quixotes in politics; but he feared no appellation, when he was contending for the exercise of the peculiar function of that House.

Mr. Attorney General *Thurlow* began with lamenting, that he was not apprized sufficiently of the objections that might have been taken to the charter to be able immediately to defend every part of it, though he thought every part of it perfectly defensible. That with regard to the clause singled out for the animadversion of the House, (if, in fact, the noble lord was serious in his motion), he could not help being sorry that it was not hinted to him before; for he was firmly convinced, that half an hour's private conversation with him and the hon. seconder, would have reconciled it to their minds. He said he always did, and always would, leave the lawyer in Westminster-hall, and be in that House a member of parliament; that as he controverted the premises of the noble lord's argument, he should have no occasion to take notice of those generous sentiments of liberty, which he seemed to entertain; that he heartily went with him in those sentiments, and should be sorry to think any man in the kingdom more a friend to the revolution than himself. The noble lord and his friend had gone upon an evident mistake, that the king, his heirs and successors are the king, &c. in their courts of justice; he quoted Dyer over and over again, that in legal interpretation 'rex noscitur per judices 'non per se;' that no legal power can reside personally in the king. He pointed out an alteration that had been made in the new charter, the omission of a clause which in the old one directed that the removal should be by privy seal or sign manual; and contended that as sir Robert Sawyer (whose character as a politician he set out of the case) was confessedly a learned man, that clause directing the means of removal was contrived by him merely because he knew the clause complained of would be of no effect without it, as contradictory to a fundamental maxim of the law, that the king cannot act in person.

Mr. *Dunning* replied, that he thought the House and the nation at large, much obliged to the worthy member who had brought before them an enquiry at least so constitutional; that they had done him the favour to confer with him on the propriety of the motion; that from a slight consideration at that time, he was convinced they were strictly justified in their interpretation of this clause; that he had since more seriously considered it, and on the most mature deliberation was of the clearest opinion, that the interpretation given by them was the true and only one that could be put upon it; that as the attorney general of James 2, had been quoted with some applause by his learned friend, who was at present in the same office, he was sincerely happy to hear laid out of the commendable part of his character, this activity to introduce arbitrary power; that if he agreed with him that sir Robert Sawyer was a learned man, it must be admitted in return, he was too learned to insert a nugatory clause, such as he had contended the clause in question to be. He agreed in the position, that the king cannot act in his person, but insisted that the clause of the charter, contained in the motion, was meant to reserve or create that power; therefore the motion gives it the proper title, That it is unconstitutional. He observed, that it was said the other day, that the present charter was a transcript of the old: the words of the former charter are, 'Ad bene placitum nostrum volumus esse amobilem;' the words of the new, 'We will, he shall be amoveable by us.' He insisted they

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meant the same thing, and that sir Robert Sawyer, with all his learning, was a bad attorney general for James 2, if he did not mean to make the mayor of Saltash dependent on the will of the king. He insisted, that was the design of that king, and it was the design of sir Robert Sawyer; and proved, from Mr. Hume, that it was actually the effect of charters given in support of their intentions. He defied the crown lawyers to point out the mode of trying a reasonable cause in a court of justice. Quo Warranto, and proceedings by Mandamus, are eluded and put out of fashion; and among all the writs, he never yet heard of one entitled, 'pro majore amovendo.' He insisted, therefore, the present was a short summary way of removing an officer that might happen to be willing to think for himself, (a rare thing at Saltash!) and introducing another more subservient to the mandate of the minister, and the views of the king.

Mr. Solicitor General *Wedderburn* answered, that by various causes it had become necessary to grant a new charter to this borough; that in this case, as in all others, he had strictly followed the rule he had laid down for himself, and he hoped with propriety, of confining the new grant to the terms of the old one; that otherwise they must have a great, and consequently a dangerous discretion; that in the present case, the only alteration he made was that already stated, of changing 'ad bene placitum nostrum,' &c, to 'by us,' &c.; and that was done merely from the bad aspect which the words 'bene placitum nostrum' always carry; that the omission of the clause directing the removal to be by sign manual, was in a subsequent stage of the passing of the charter; for which, as his learned colleague and himself were not concerned in it, they assumed no merit. He insisted on the construction already given, that 'regis voluntas noscitur tantum in curia:' that this House, coming to a resolution construing the present charter as illegal, might endanger that maxim, for it would be an inference fairly drawn, that the king, expressly named, does not mean the king in his courts, if a resolution of this House should declare, that the meaning of the words 'the king' does mean the king personally, as the motion intimates, and not in the construction already contended to be the construction of the law books.

Mr. *Thomas Townshend* observed, that the point now touched was a very tender one; and that in which the constitution was most vulnerable. He had heard, much to his surprize, those who opposed the attempts of the Stuarts, branded with epithets of turbulent, factious, and daring; if one of the greatest grievances they complained of, was the garbling of corporations, he should not wonder if the learned gentlemen on the other side, were to apply the same epithets to these, who were for passing the present censure; for the case before them, as far as it went, was certainly a case in point: but with whatever severity it might be fashionable to treat every man who disapproved of the garbling corporations, in the reign of Charles and James the 2nd, luckily the revolution, the new constitution then formed, and all the great and justly revered names who had a hand in that glorious work, thought precisely with the noble lord who made the present motion. He then quoted a passage from bishop Burnet, in which that historian gives an account of the dissolving old charters, and granting new ones; observing, that the surest road to political consequence and court favour, was for great men to exert themselves in corporation matters. Granville, earl of Bath, took this task upon himself, as to the boroughs in the West, and was so successful, as to persuade several of them to resign their charters, taking care to supply their places with officers of the guards, who in many instances were appointed the new corporators. He observed, that in one of the charters, now before the House, granted in 1683, col. Granville, that earl's brother, afterwards lord Lansdown, was appointed the first recorder. He did not doubt but the officers of the guards, who never saw Saltash, and were appointed under the charter of 1683, were full as fit persons to be chosen to fill up the corporation, as many appointed under the new one; and that on the whole, the people without doors, however those within might affect to take it, were, in his opinion, very justly alarmed to behold the recent, repeated attempts made to bring corporations immediately under the power and direction of the crown. When he saw every gazette containing an account of a new charter granted to some borough or other the last summer, he began to suspect the designs of administration upon boroughs, and a speedy dissolution of parliament, which he soon found to prove true. He mentioned the granting a new charter to Abingdon.

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Mr. *Bayley* gave the House an account of the new charter granted to the borough of Abingdon, about a month or two before the dissolution of the last parliament, and which he said had brought as much disgrace upon those who had any hand in granting it, as any of those charters could which were granted in the reign of Charles 2, and he had not a doubt but there was as much a design now of altering the constitution of this kingdom, (though perhaps by slower, but in a more certain degree) as there was then; but he hoped in God such wicked and arbitrary designs would be again frustrated. This new charter put it in the power of the corporation of Abingdon (which never consists of more than 27 persons) to return any member to parliament, they pleased, and every body knew how much easier it was for government to influence 27 persons than so populous a town as this was, being the metropolis of Berkshire, and indeed the corporate body of this town was well known to be governed by their recorder Mr. Morton, who, holding several places under the crown, made a merit of the service he had done it in advising the grant of this new charter.

Governor *Johnstone* said, the immediate interference of the crown, independent of the official or judicial assistance and aid of those, whom the constitution had appointed to advise it, in all matters of this kind, had a very disagreeable aspect; that the principle itself was alarming; but it became much more so, when exercised just at the eve of a general election, because, what otherwise, though in itself wrong, might seem to be the effect of mere chance operating by incidental circumstances, now took the strongest appearance of a systematic design to answer election purposes. He said that the House ought to remember, that if sir Robert Sawyer was a learned man, he was also a very wicked man; that he was the avowed and willing instrument of arbitrary power, and that the more learned he was allowed, there was the more occasion to suspect him. He said he was glad to hear of one certain rule laid down by the Solicitor General, relative to the proper manner of granting new charters, which was that the new charter ought to be, to every material purpose, a transcript of the old; yet he was sorry to observe, that in the case of Hellstone, which lately came under his consideration, that rule happened to be departed from; for the old charter vested the power of appointing burgesses in the mayor, aldermen, and commonalty, whereas the new one restrained that power to the mayor and aldermen only. With this remarkable circumstance, that was the very ground upon which the old charter was vacated; yet was the very precise alteration adopted by the new charter. He instanced some other deviations, relative to a deputy recorder, &c. He then entered into general observations on the charters granted to Hellstone, Abingdon, and Saltash; and treated the principle which directed the several grants with severity.

The *Solicitor General* said, he should always, as far as was in his power, abide by the rule before-mentioned of copying the old charter in the new grant; and that he and his colleague in office had observed it, in the one alluded to by the hon. member. For there, though the old charter it was true, had been granted, and the right of admitting burgesses, had been given, to the mayor, aldermen, and commonalty of Hellstone; yet the usage had been directly contrary, from the reign of queen Elizabeth, the time the charter was granted; besides, there was one general exception, which ought to be made, and which was actually the case at Hellstone, that was, when the persons to be incorporated, applied for the alteration. The alteration was at the express desire of the inhabitants. At Abingdon the alteration was only appointing five justices to act within the borough of Abingdon, which if it could operate to any purpose, must have been an improvement, according to the hon. gentleman's ideas, as five persons were not so likely to abuse the power as three.

Mr. *Howard* said, the present charter was less exceptionable than the former; that the sting of sir Robert Sawyer's attempt was extracted, and that therefore he disapproved the motion.

Mr. *Feilde*. The King can act only *in curia*, not *in camera*; therefore, whatever were the intentions, the clause cannot have the effect apprehended by the mover of this question.

Lord *Folkestone* said, it was the intention which he wished to defeat; the practicability of executing such intentions actually appeared in the reign of William 3, by means of king James's charters, several of which appearing of this tendency on trials of controverted elections, were voted illegal by the House of Commons; and

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added, that if the charter of 1774 spoke the language of 1683, it was becoming a member of parliament to talk the language of 1689, and censure such intentions.

The question passed in the negative.

Lord Folkestone moved, "That the said words contained in the said charter, do not reserve to the crown any power of amotion, except by due course of law."

Mr. Ellis moved to adjourn. The House divided. The Noes went forth.

Tellers.

Yeas	Mr. C. Townshend Mr. Cooper	127
Noes	Lord Folkestone Mr. T. Townshend	46

So it was resolved in the affirmative.

April 5. Lord *Folkestone* apologized to the House, that he should bring on a question before the private business was gone through, but he wished to make a motion at that instant, because it was the first moment that offered after the indirect negative put upon his motion on Monday. The House then voted, that a clause, reserving to the king a power of removing a returning officer, was not unconstitutional; that resolution was upon the Journals. He wished the reason of that vote might likewise appear. The reason given was that the king, &c. meant the king in the court of justice. As he could not understand the clause in that light, he meant to negative his own motion; though if it had a legislative operation he would warmly support it. He added, that he would not give the House the trouble of a division, unless a previous question was moved: in that case he would. He then moved, "That the said words contained in the said charter do not reserve to the crown any power of amotion, except by due course of law."

Mr. *Powys* seconded the motion.

Mr. *St. John* said, the reason assigned was certainly the reason for the vote on Monday, but the second question then moved and now renewed, was like voting that an eldest son is heir apparent to his father: he therefore moved the previous question.

Mr. *Cascoyne* seconded that motion, and added that it was a dangerous and useless practice to vote abstract propositions; the noble lord admitted the vote would not alter the law, why then should the House, without any call, pretend to declare it?

Lord *John Cavendish* said, after what had passed the other night, nothing could be more reasonable than the present motion, as the House had declared there was no doubt, it was in a manner necessary to avow the principle upon which they had determined there was none.

The previous question being put, the House divided. The Noes went forth.

Tellers.

Yeas	Lord J. Cavendish Mr. Powys	46
Noes	Mr. St. John Mr. Mackworth	118

So it passed in the negative.

Debate in the Commons on the Bill to oblige the East India Company to export a certain Quantity of English Manufactures.] April 11. The House went into a committee to take into consideration that part of a Bill of the 13th of his present Majesty, which contains a clause for obliging the East India Company, to export, to a certain amount, goods and merchandize, of the growth, produce and manufactures of this country.

Mr. *Cooper* observed, that such another Bill had been brought in in 1768, which expired in 1773; that it was then revived for two years longer, which was now near expiring; that therefore he would move the committee that the same might be continued for a limited time, which he meant to be three years longer, till the expiration of the charter. He remarked, that the measure had originated with the charter in king William's time, when they were bound to export to the value of 100,000*l.* that afterwards it was changed to a tenth of their whole export, and in 1768 was raised to 400,000*l.* a year.

Governor *Johnstone*. I do not think it can be necessary to enlarge upon the reasons for disagreeing with so anti-commercial, so absurd, so ridiculous a measure, as that which is now proposed to us. Sir, it is contrary to every principle of trade, to force a company, or a merchant, to export what he cannot sell. There are now lying in the warehouses of Bengal 270,000*l.* worth of British woollens, rotting and eating by moths, for want of a market, and you will in defiance of that known fact, lay so ridiculous a restriction on the Company, as to force them to send out more annually, in order to come to the same fate. Sir, I do aver, that you might just as well order the amount of British cloth

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to be made in a bonfire, the next time the King comes to the House, for the entertainment of the mob, and make the East India Company pay for it, as to do what is now proposed to you. It would be no more than a tax upon them, and this as much a tax as any other regulation.

Lord *North.* The hon. member appears to mistake not only the words but the meaning of the motion: it does not tie down the Company to the export of cloth; it leaves the manufacture or product to their choice. There are many articles which may be more saleable in India than cloth, and such of course they will export.

Mr. *Burke.* I esteem this proposition as big with nothing but absurdity; and I think the reasons for disagreeing with it are much the stronger, from its proceeding from an oblique sort of wisdom, political, not commercial; and which looks towards America much more than to India. What circumstance is the father of the motion? I will tell you, Sir: the late American measures have threatened the manufactures of this country with ruin, or at least with a stagnation of an appearance formidable. In order to remedy a jot of this evil, and to hold out hopes to the manufacturers here, is this export held out to them. While administration annihilates the American markets, she cooks up others in the East Indies. Thus is the present a measure of political commerce, and not of commercial intelligence; and as such, it ought to be rejected. But, Sir, the fact is, it is a mere tax upon the Company, and it is absurd to consider it in any other light. Let us consider how well it is contrived to answer such a purpose: you assisted them with a loan, which was necessary to their being as a Company, as administration told us, from their poverty; and before a shilling of that loan is repaid, what do you do? Why, convinced of the superabundance of their wealth instead of their poverty, you lay an immediate tax upon them. Is this consistent? Is it consonant with the ideas either of commerce or of finance? But farther, Sir, the operation of the motion supposes another melancholy fact, that the British manufactures are a drug; that they are of no value: and that their exportation must be enforced at all events, or they will lie a dead weight on the hands of the manufacturers. Now, Sir, this is a most humiliating circumstance; even more humiliating than I can allow: nor can I see the necessity in consequence of it of sending them to feed the moths of Bengal. Why not clothe the numberless poor of this country and make the Company pay for it?

Mr. *Van.* The hon. gentleman lays down his maxims with such an air of authority, that one would think no person in the House had common sense but himself. Sir, I beg leave to state a case, which the hon. gentleman appears to forget. The East India Company might send out British manufactures, but will not, for reasons best known to themselves; but, Sir, at the same time that they will not send them out, let the hon. gentleman ask his constituents, if Bristol, Liverpool and Glasgow would not send them out? If, therefore, the Company will not, or cannot export these goods, let the towns do it who can and would. The hon. member's principles, which he lays down in the *ipse dixit* manner, are certainly not calculated for the meridian of Bristol, for which place he was elected, I suppose for his knowledge of trade; but if that knowledge is in future to constitute the member for Bristol, I might perhaps be as successful a candidate as the hon. member.

Mr. *Burke.* I cannot help rising to congratulate not only the country at large but the city of Bristol in particular, on the prospect of possessing, after seven years of inauspicious darkness, a gentleman of such profound knowledge of trade, such sound ideas, and such a commanding eloquence. But, Sir, that the principles of this Bill are false and rotten, every view of it will tell us; it depreciates our most valuable products and manufactures. Sir, I have always thought that plum-pudding and broad cloth were two most excellent things, but I now find all our English ideas are very erroneous, and that instead of being good things, they go a begging for a market.

Lord *North.* I am so much of the hon. gentleman's opinion concerning the merit of pudding, that I shall detain you but a few minutes. The Company had this restriction engrafted upon them from their very origin; they have grown up and thriven under it. Now, Sir, shall we make use of our experience, and require of the Company no new restriction but one already known, when they are so well able to bear it. I will not allow it to be a tax; it is a mere guard in the legislature for the protection of commerce, and entirely consistent with the interests of the Company.

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Mr. *Jenkinson* spoke in reply to Mr. Burke, as to facts.

Mr. *Burke* answered him, and insisted that his dates were right, and the chronology of Mr. Jenkinson wrong.

The question being put, the committee divided, Ayes 56, Noes 9; and a Bill was accordingly ordered to be brought in.

The King's Message for settling Buckingham House on the Queen.] April 12. Lord North delivered the following Message from the King:

"GEORGE *R.*

"His Majesty, desirous that a better and more suitable accommodation should be made for the residence of the Queen, in case she should survive his Majesty, and being willing that the palace in which his Majesty now resides, lately known by the name of Buckingham-house, and now called the Queen's-house, may be settled for that purpose, in lieu of Somerset-house, recommends it to his faithful Commons, to take the same into their consideration; and to make provision for settling the said palace upon her Majesty; and for appropriating Somerset-house to such uses as shall be found most beneficial to the public."

April 26. The following Resolutions were agreed to. 1. "That the palace in which his Majesty now resides, lately known by the name of Buckingham-house, and now called the Queen's-house, be settled on the Queen, in lieu of Somerset-house, in case she shall survive his Majesty. 2. That from and after the determination of such settlement, the said palace be annexed to, and vested in, the crown of Great Britain. 3. That the palace of Somerset-house, which by an Act, made in the second year of his present Majesty's reign, was settled upon the Queen, be vested in his Majesty, his heirs and successors, for the purpose of erecting and establishing certain public offices. 4. That 100,000*l.* be granted to his Majesty, as and for the money laid out in the purchase of the Queen's-house, and in rendering the same convenient for a royal palace, and in consideration of his Majesty's palace of Somerset-house being converted, and applied for the future, to the purpose of holding and keeping therein certain public offices."

The Budget.] May 3. Lord *North* moved for a committee of supply, preparatory to his opening the Budget; when he moved the following Resolutions, which were agreed to. 1. "That persons who on the 24th of April last were possessed of 3 per cent. annuities, shall be at liberty to accept 88*l.* for every 100*l.* towards the redemption of 1,000,000*l.* of the said funds or stocks; one moiety to be paid on or before the 15th of July, and the other on or before the 20th of October next, with interest to the 5th of July 1775; and for every 100*l.* of such subscription, shall receive six tickets in a lottery to consist of 60,000 tickets at 12*l.* 10*s.* each; and the capital stock of such subscription shall be annihilated. That books shall be opened at the Bank, the 8th of May, from nine in the morning till six in the afternoon, for the purpose of receiving said subscription. No person to subscribe more than 20,000*l.* nor less than 100*l.* and after the whole is summed up, the same to be rateably divided among the subscribers, in proportion to the quantity of stock subscribed, over and above the said 1,000,000*l.* of annuities to be so annihilated. 2. That towards raising the supply, 1,915,552*l.* 16*s.* 11*d.* be issued out of the sinking fund. 3. That 1,250,000*l.* be raised by loans on exchequer bills, to be charged on the first aids, to be granted next session. 4. That 15,000*l.* out of the monies remaining in the Exchequer the 5th of April, 1766, the produce of American duties, be applied towards maintaining the forces and garrisons in the plantations. 5. That monies paid into the Exchequer after the 5th of April, 1775, and before the 5th of April, 1776, produce of the duties on the importation and exportation of gum senega and gum arabic, be applied towards the supply."

He observed, that 3,800,000*l.* of light or diminished money had been paid into the Bank, under the first Act; that 4,800,000*l.* had been paid in like manner, under the royal proclamation of receiving guineas not under five penny-weights three grains, nor more than six grains; that it was computed, that when the second proclamation was issued for calling in all guineas under full standard, upwards of 4,000,000*l.* more would be called in, the whole amounting to about 14,000,000*l.* and the expence of melting down, receiving, interest paid to the Bank, gratuities to the country commissioners, and recoinage to about 650,000*l.*; that the deficiencies on land and malt were computed at 450,000*l.* that is 50,000*l.* lower than

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they were the last year; that the whole of the grants consisted of the land and malt, estimated at 2,250,000*l.*, the exchequer bills 1,250,000*l.*, the profits on a lottery 150,000*l.*, the produce of the sinking fund, from the 5th January to the 5th April, 886,000*l.* the three next quarters produce of said fund 1,915,000*l.* which would make the whole of the sinking fund 2,800,000*l.* and miscellaneous savings, with the expected produce of the sale of French prizes 17,000*l.* and sales of lands in the ceded islands 50,000*l.* taken together, would amount to 300,000*l.*; while on the other hand the services were, the navy 1,700,000*l.*, the ordnance 300,000*l.*, the army 1,600,000*l.*, exchequer bills of last year 1,250,000*l.*, army extraordinaries 270,000*l.*, miscellaneous of grants and coinage 348,000*l.* So that on the whole, the grants would be 6,550,000*l.* and the services voted 5,550,000*l.* which would leave a surplus of 1,000,000*l.* excess of grants, with which he proposed to pay off the above 1,000,000*l.* of three per cent. annuities, for the sum of 880,000*l.* which last surplus again of 120,000*l.* would remain to make good the deficiences of the grants, or to balance the 100,000*l.* voted for the purchase of the Queen's-palace and Somerset-house.

His lordship then proceeded to state the public debts, as they appeared on the 5th of January last, compared with their amount on the 5th of January, 1773. At the latter period they were 123 millions funded, and 13 millions unfunded, which, with the fractions, made in the whole 136 millions; at the former, 124 millions funded, three millions unfunded, in the whole 127 millions; paid off nine millions. His lordship did not state the respective interests paid at those periods, but generally stated the decrease in the following manner: total decrease on the whole 440,000*l.* per ann. and 30,000*l.* by the present operation, in the whole 470,000*l.* out of which take for the navy bills unfunded 20,000*l.* and the exchequer bills in circulation, at 4 per cent. 40,000*l.* both these sums, with the trifling discount on navy and victualling bills, would leave a clear decrease in the interest money paid to the public creditors of the sum of 400,000*l.* per ann.

After he had stated the several sums necessary to the explanation of the financial operation, which he was about to submit to the House, he observed, that the nation might think that the reduction of the national debt proceeded very slowly; but when it was considered, the very heavy burdens contracted during the late glorious and successful war, the consequent increase of interest, and that that war was entered into at the express desire of the people, joined with the numerous and singular advantages derived to this country, both in respect of commerce and territory, the nation uniting all these considerations, had much less reason to be impatient or complain. The four great wars we have maintained since the Revolution, said his lordship, neither originated from the ambition of our princes, nor the corruption of ministers; and the vast sums expended, however enormous, or heavily at present we may feel the weight, were for the most part laid out either directly in the protection or advancement of our own immediate interests, or in upholding those, with which they were essentially connected. Our endeavours have in general corresponded to the glory of our motives, and the magnitude of our designs, as taking the lead among the great powers of Europe, by protecting others, securing our own interests, and setting limits to the ambition of the enemies of both. The war commenced at the Revolution, was a popular war; so was that which followed about the succession. The rupture in 1739 with Spain, originated entirely in popular motives. I will not, however, pretend to say it was as well founded as the two preceding, at least so well timed, though I have no doubt that it might in the end become as necessary. The late war was, if possible, still more popular than any of the rest, as it was in the beginning undertaken without any view to continental connections, but purely to protect our subjects in America, which I shall ever think ought to be a very strong incentive to them to assist us to alleviate those burthens we now feel, and of which they have been the primary cause.

I will now beg leave to return to the subject that naturally falls more immediately under the consideration this day, which is the reduction of this heavy load of debt, and the approbation of the fund allotted for that purpose to other uses. A person of confessed ingenuity (Dr. Price) has written a pamphlet with great ability, on this subject, and condemned the great minister, (sir Robert Walpole) who first devised the sinking fund, for departing from his own plan. I admire the ingenuity of the author. I have partly,

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since I came into my present situation, adopted his plan of reduction as much as times and circumstances would permit; yet I am far from approving all of what he recommends; nor can I lightly condemn an able minister, of approved judgment, high abilities, and great experience, while I remain ignorant of the true motives which influenced his conduct, or perhaps the total impracticability of his acting up to his own ideas: plans on paper, or measures proposed in the closet often becoming difficult in the execution, or inexpedient, though they should be practicable. Another very popular topic is, taking off the taxes from the necessaries of life, in order to relieve the lower order of the people. Besides a thousand impediments, that I shall forbear to insist on, which might grow out of such a measure, to obstruct it, I fear it would not answer the ends proposed, though every possible obstruction were removed, because the effect might be, that the tax would be lost, and the revenue suffer, without the least benefit to the consumer, as means would be probably devised still to keep the commodity up at the taxed price. On the whole, the vast riches of this country, its extensive credit, which it has never yet violated in respect of either its domestic or foreign creditors, its prodigious commerce, its surprising paper circulation, which must be immense, when it is considered that the money alone in circulation is considerably more than 14 millions, as appears by the documents this day referred to; all this great system of power, riches, and external strength, I say, taken together, with the magnificence, splendor, and luxury of individuals, induce me to believe, that though the national and consequent annual burdens be enormous, they are far from being disproportioned to our abilities to pay. I just beg leave to mention one circumstance more before I sit down, to shew the difficulty of a hasty reduction of the public debts, by the means we are necessarily obliged to pursue. A very able deceased minister (Mr. Pelham) reduced the national debt, by lowering the interest; we are necessitated to effect the same purpose, by paying off the principal itself, our progress must be therefore more slow. That gentleman payed off 20 millions with ease, by only laying an obligation on the annuitants, to receive their principal, or reduce their annuities; and the consequence was, that they gladly accepted of the offer, and consented to take 3 instead of 4 per cent. What was the reason then? And what would be the probable consequence now? The funds were up at par at the former period; they are now considerably below, owing, it may be presumed, to the greater quantity being in the market, so that the public creditors would at this period be as desirous of receiving their capitals, as they were at the former to accept of the reduced annuities. I do, therefore, recur to my first assertion, that we must proceed slowly in the proposed reduction, or lay on new taxes, in order to effect our purpose with greater facility and expedition; for I repeat it, there is no other method of getting at the principal, but either by reducing it directly by specific payments of the capital, or by being able, by the rise of the fund, to lower the interest.

Mr. *Hartley* rose chiefly to point out the impropriety of anticipating the produce of the sinking fund, and of charging more on it than it would be able to bear; the manner of making up the accounts at the Exchequer for the last year, which produced a surplus of 200,000*l.* or the total receipt of one week, with part of the debt payed in by the East India Company, having swelled the sinking fund much beyond its natural size. That therefore the sum it was now rated at, was considerably too high. He next entered into a string of observations, relative to the ill-judged policy of pushing matters to extremity with America, and the probability, nay the inevitable certainty, of the interference of France and Spain; and of a general European war, should the sword be once drawn against our brethren on the other side of the Atlantic. He concluded with drawing a most melancholy picture of the consequences such an event must produce, in its operations on our trade, manufactures, finances, public credit, external strength, and internal prosperity; reminding the country gentlemen, at the same time, that this would in all probability be the last year they would even in time of peace enjoy the benefit of a 3*s.* in the pound land-tax, though they had been prevailed on to give their support to measures so evidently destructive of their own interest, and of the nation at large, because they were in the first instance to bear no part of the additional burthens such measures were to create.

Mr. *Vyner* answered, that he was certain the landed gentlemen were not actuated by the motives imputed to them by

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the hon. gentleman; but purely from the apparent necessity of the measure itself, in support of which they were ready to risk any event, sooner than forego those advantages of trade and riches which were inseparably involved in the supremacy of Great Britain over her colonies; for were that once given up, the others would soon follow. In support of such a cause, therefore, he was willing to pay not only 4*s.* but 14*s.* in the pound: and as he entertained not a single doubt but we should prevail in the contest, we ought to oblige America to pay the expence she had wantonly put us to, and which would likewise enable us to bring back our quandam peace establishment, that of a land-tax of 2*s.* in the pound.

Mr. *T. Townshend*, after condemning the bad policy of reducing the land tax, from 4*s.* to 3*s.* in the pound, some years since, as one great means of retarding the reduction of the national debt, observed upon two items, for which his lordship took credit; one was the sum of 17,000*l.* charged on the sale of French prizes in the West Indies, the other a sum of 50,000*l.* said to be the produce of sales of the lands in the ceded islands, which have been voted regularly, year after year, since 1771; and had as regularly returned into the ways and means, without a shilling of them being actually brought to the credit of public accounts.

Lord *North* replied, that one hon. gentleman seemed to delight in drawing a gloomy picture of the dreadful consequences of breaking with America. He said the predicted evils would be easily averted, by America returning to its duty. There had been an offer made which would at once obviate all difficulties, if they were sincere; if not, and they should pertinaciously refuse terms virtually correspondent to their own ideas, the question would then be a very simple one; that is, whether they were to be independent, or whether we should avail ourselves of those rights we were indubitably entitled to, in order to secure to the nation those great benefits derived from our trade and commerce with that country, which must be for ever lost, if we acquiesced in the unreasonable and unnatural claims it now set up. As to the hon. gentleman's fears respecting a breach with our colonies being productive of a French and Spanish war, his lordship replied, that the wisdom and prudence of the French minister would prevent him, as a friend to the interest of his country, to hazard any such experiment; nevertheless, France was an opulent, powerful nation, abounding in native wealth, and internal strength, and might break with us, either now, or in the event of an American civil war, if she pleased, nor could he see how any mode of stating an account of debtor and creditor on the present occasion, could possibly prevent it.

Governor *Johnstone* closed the conversation by observing, that though his lordship was no conjuror to effect miracles by stating an account, it had always been customary with the minister, on this day, to give a kind of state of the nation, both respecting her finances, the terms she stood on with foreign powers, and the general posture of affairs in Europe. This mode had been likewise adopted by his lordship uniformly, since his coming into office; it was a matter of the first consequence to the commercial part of the nation, as a means of preventing public and private imposition, by preventing artful men from improperly operating on our funds. The reason of the thing was as clear, he said, as the custom was invariable; and is it not for this very purpose, said he, that you admit the merchants and traders of London this day into your gallery. Besides, I remember on the last occasion of this kind, how much this House was edified, by the extensive knowledge, and minute information given by the noble lord, respecting the political state of France, her annual revenues, incumbrances, &c. Then it was poor, weak, ruined, bankrupt France, unable to lift her head. Now, within twelve months, the face of things are changed; she is rich, powerful, and opulent; and we are told that we have no other assurance of the preservation of the public tranquillity, not even for a day, or an hour, but the wisdom of her councils, and the prudence and political discretion of her ministers. Whatever I might have thought of his lordship's former account, I certainly agree with him in the latter; and though the administration in that country be not yet formed, so as to act upon any permanent system, I believe as soon as that event takes place, we may expect to be engaged in a war with the two branches of the House of Bourbon; and I believe, likewise, the present approaching breach with our colonies, will be the means of accelerating it.

The Resolutions were agreed to.

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Debate in the Lords on the Mitford and Launditch Poor Bill.] May 4. The order of the day being read for taking into further consideration the Bill for the better relief and employment of the Poor within the hundreds of Mitford and Launditch, in the county of Norfolk; counsel were heard against the Bill. After which,

The Earl of *Buckinghamshire* moved, that the Bill be committed. His lordship entered into a general view of the poor laws, made several remarks on the great abuses which have prevailed in the execution of them, and applied his reasoning particularly to the neglected state of those parishes and hundreds meant to be incorporated.

Lord *Walpole* owned the general principles laid down, but denied the propriety of the application. He contended, the present Bill could be countenanced but on two grounds; either for the better support and employment of the poor, or for the relief of the land-owners and occupiers, by lowering of the rates. The first of these includes the ease and happiness of the persons maintained and employed; the other, the approbation and relief of those who are to pay for their maintenance; neither of which can be so much as pretended in the present instance; for no noble lord can insist, that the poor in general are not strongly averse to the Bill, and that a great majority of the land occupiers, who are to pay the rates, and an equality of the proprietors, who may be supposed to be affected in a secondary degree by those rates, have not done every thing in their power to oppose it.

The Duke of *Manchester* observed, that great stress had been laid by the counsel who argued against the propriety of the Bill being sent to a committee, on the clause which makes it a capital felony to pull down, deface, or destroy any of the fences or inclosures to be raised about the house or fields meant to be erected or inclosed; and had ludicrously supposed the case of a person pulling a hedge stake, breaking a pale, or committing any such trifling trespass as coming within the penal provision of that clause; but for his part, however he might admire the ingenuity of the learned gentleman, he could not possibly see the necessity of inserting the word 'maliciously,' according to his ideas; because, in the construction of all penal statutes, he had always understood, that it was the intention, not the act, or, more properly speaking, the intention and the act coupled together, that constituted the offence. His grace was therefore for permitting the clause to stand in its present form, as a prevention of any general or particular intention to destroy, sooner than have it altered, upon such slight, remote, and visionary grounds.

Lord *Lyttelton* approved of the principle of the Bill. The objections made at the bar, that the poor would be confined, and that confinement was a real hardship, and contrary to the spirit of our laws, he contended, was a mistake; for the present Bill, though it might differ as to the mode of restraint, gave no new substantial power, but what might be legally exercised under the statute of the 43d Eliz. The other objection, that confinement was repugnant to the spirit of our laws and constitution, was an assertion in his opinion equally erroneous; for his lordship could never believe that a qualified, optional restraint, designed manifestly for the relief of the person alone who was to be bound by it, could be deemed a hardship or punishment, particularly when such restraint grew out of the very Act itself, which was to constitute the relief; for, the nature of mankind is such, that you cannot relieve without the power of restraining, therefore you must have the power of doing both or neither. His lordship then launched into great encomiums on the Act of the 43d Eliz.; and enumerated the various and important benefits derived from it; lamenting at the same time the shameful neglect and abuses which had since been introduced into the framing and executing the poor laws. He dwelt with great energy on the vast sums daily wasted in endless litigations, relative to the law of settlements; and the corruption, cruelty, and interested conduct of parish officers. There is, said his lordship, above three millions of money annually raised in this country, for the support of the poor; and I solemnly believe, that of the vast sums of money thrown away in suits relative to parish settlements, and squandered by the churchwardens and overseers in their feasts and revellings, &c. with several other species of misapplication and fraud, not a million and a half is applied to the real purposes for which it is granted; but though I highly approve of the principle of the Bill, I beg leave to differ from the noble duke, that the clause does as well without the word 'malicious.' I think a provision which enacts and subjets the offender to so heavy a punishment, the

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highest known in our law, should be as clear and definite as possible; and though we may well presume it will never be rigorously executed, so as to obtain a bad purpose, I must confess I should be much better pleased that the clause had been penned with the clearness and precision so necessary to the true framing of all penal statutes. Neither do I entirely approve of the mode of confinement proposed by the Bill, though I believe that confinement, or a certain qualified degree of restraint, to be necessary. But taking the Bill on the whole, as I presume no alteration can, consistent with the claims of the other House, be now made, as it is a money Bill, and approving of the principle of the Bill, as I do, in the light at least of a local improvement of the poor-laws, as they now stand, I shall give my hearty assent for sending it to a committee.

The Earl of *Hillsborough* informed the House, that he had made the poor laws his particular study, and had many years since framed a general Bill for their amendment and improvement; but after he had made a considerable progress, and the Bill having met with strong opposition, the able man who at that time presided at the head of public affairs (Mr. Pelham) fearing it might produce similar clamours to that raised against the Jew-Bill then recently repealed, advised his lordship to drop it, as he could not with prudence promise it his support. His lordship observed, that since that time he had remembered several Bills relative to the poor laws, brought into parliament. Some directed to remove some partial evil, others for the purpose of local benefit, or convenience; none of them, he feared, answering the ends proposed; for, in his opinion, the evils, whether partial or general, have been for many years in a state of progressional increase. However, in all remedies of a local nature, two invariable rules had been constantly adhered to; one was, that the mode of relief or improvement was well directed, and would probably have the desired effect; the other, that the matter being of a private and personal nature (the case being quite otherwise where the whole community is concerned) the persons immediately interested in the event alone are to be consulted. Now, how does the present Bill come supported by those inseparable marks, and inherent qualities? Why, in the first place, guardians are to be appointed, who, it is presumed, being gentlemen of probity, humanity, and independent fortunes, will execute the trusts reposed in them by this Bill, with honour and fidelity. I allow the principle as a mere speculative proposition, to be an extremely just one; but I contend, it will be found the direct contrary in practice. I know too much of the world to believe otherwise. It is well known, that nothing of this kind was ever taken up, upon purer or more exalted ideas of humanity and generosity, than the appointment of the select vestry of St. George's, Hanover-square. It is equally notorious, that no trust or parish regulation was ever more faithfully and honourably executed for a time; but what is the case now? Why, that myself and several others, at first equally sanguine, have neglected what from our situation and general pursuits we have found we could not possibly attend to; and the parish of Hanover-square will in a few years fall under the direction, though perhaps modified into another form, of the very same species of power the select vestry was instituted to prevent. What will the case then be probably within the hundreds of Mitford and Launditch? That the gentlemen appointed guardians, in execution of their present ideas, will exert themselves in the manner we did; and that when the fervor of reformation and improvement abates, things will again flow into their former channels, of private jobs, petty oppressions, and all the detail of grievances which fill up the local annals of almost every parish in the kingdom. For I believe no person will be hardy enough to assert, that in an extent of country, which takes in 23 miles in length and 15 in breadth, the guardians of the poor, I mean for any long continuance, will, in the winter through dirty roads and short days, do what the select vestry have failed to execute, even at their very doors, without any personal inconvenience whatever. As to the other general ground of the Bill, the consulting and taking the sense of those who are to be immediately affected by it, that, I think, is a matter of serious consideration, and ought to be very cautiously attended to. Parliament should, on no account, on applications of local regulation, countenance a Bill of this kind, or any other of a similar tendency, without being fully satisfied that such a clear, decisive majority, as is usually deemed sufficient in such cases, are for the Bill. How, then, does it appear in the instance before us? One gentleman, examined at the bar, says,

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that there is such a majority of the land-owners, which is as flatly contradicted; while it is confessed on all hands, that of those who actually pay the tax, the land-occupiers, there is an indisputed majority against the Bill. The same gentleman, if I mistake not, was examined to prove the wretched, neglected state of the poor within the parish in which he resides. Now, I would observe, that this gentleman is a justice of the peace; and I would ask this House, if, by the nature of his office, he was not competent to correct in the first instance, or remedy upon representation, the very evils, the averting and removal of which are intended by the Bill he is brought to give his testimony in support of. On the whole, therefore, as the House on a former occasion threw out Mr. Gilbert's Bill, intended to give an optional power of incorporation to every hundred or number of parishes in the kingdom, as the plan, however plausible and well intentioned, appears to me ideal and impracticable; and as the dissentions are much too numerous to warrant the legislative interference of this House, I shall be against the Bill going to a committee.

Lords Townshend and Monfort spoke in favour of the Bill. It was committed upon a division of 58 to 3.

Lord Radnor's Protest against the Manchester Play-House Bill.] The order of the day being read for the first reading of the Bill, for enabling his Majesty to license a Playhouse in the town of Manchester, in the county palatine of Lancaster, and for the Lords to be summoned, the Bill was accordingly read the first time. After which the earl of Radnor moved to reject the Bill. Which being objected to, and a question stated thereupon: after debate, the previous question was put, Whether the said question shall be now put? It was resolved in the negative.

"Dissentient.

"For the reasons entered in the Journal of the 26th of February 1771,* which I conceive, operate with at least equal force against establishing a theatre in the town of Manchester: and because no arguments or local considerations whatever can, in my judgment, justify even the partial repeal of a law so well calculated to restrain dissipation and licentiousness, and to promote the cause of industry, morality, and religion, as every such repeal directly tends to the increase of those very evils, which, in the late address of convocation to his Majesty, the prelates themselves (who now with such consistency countenance this Bill) observe with infinite concern, do at this time present a very gloomy prospect to every serious and considerate mind. RADNOR."

Debate in the Lords on the Manchester Play-house Bill.] May 12. Lord Lyttelton moved the order of the day, for the second reading of the Bill for enabling his Majesty to licence a Play-house in the town of Manchester.

The Bishop of *London* declared, he was entirely against the Bill going to a committee; that, however, he should not have risen, were it not to exculpate himself from a charge made against him and the rest of his brethren by a noble earl present; that it was not a thing that fell merely in the heat of debate, it was no

* Feb. 26, 1771. The order of the day being read, for the second reading of the Bill, to enable his Majesty to licence a playhouse in the town of Liverpool in the county palatine of Lancaster, and for the Lords to be summoned, the said Bill was accordingly read the second time. And it being proposed to commit the Bill: the same was objected to: after debate; the question was put thereupon. It was resolved in the affirmative.

"Dissentient.

"Because the argument particularly endeavoured to be enforced by the supporters of the Bill, that established theatres in country towns conduce to the improvement of the morals of the inhabitants, and, in commercial towns, to the advantage of the trader and manufacturer, is raillery rather than reason, being false in fact, and notoriously contradicted by experience.

"Because, at a time when the acknowledged characteristic of the age is love of pleasure and dissipation, the weakening a law founded on the soundest principles of good government, the necessity of preserving the morals of the individual, for the happiness of the community, is, under these circumstances, peculiarly unwise, contrary to the truest maxims of policy, and highly unbecoming the dignity of legislature.

"Because, when we have a prince on the throne whose virtues, whilst they reflect a lustre on his crown, might check the growing licentiousness of the times, a Bill which relaxes the restraints on the incentives to vice, and tends to corrupt the moral principles of his subjects, supported as it is by noble lords in the highest offices in government, must, in effect, counteract his Majesty's bright example, and lessen its influence on the minds of his people. "RADNOR.

"KING."

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loose equivocal expression which might admit of a double interpretation; the matter he adverted to was on record, for it was on their lordships' Journals. He said, it was no less fallacious in point of fact, than injurious to a body of men, who were certainly intitled to justice in common with the rest of their fellow subjects. He then proceeded to inform the House, that although he disapproved of the Bill, and was of course from the beginning resolved to vote against it, he did not think the first reading the proper stage to oppose it, as it would, in his opinion, be more candid and agreeable to parliamentary usage, to combat the Bill on the second reading. He therefore, from the known candour of the noble earl who had entered the protest, as well as his love of justice, expected that his lordship would withdraw it, or at least expunge such parts as may be supposed to convey to posterity a most heavy accusation on a body of men who were entirely innocent. As to the question itself, whether or not permission ought to be given to erect a playhouse at Manchester, he had not a single doubt of the impropriety of granting such a permission, in a great trading manufacturing town; but, he feared at the same time, that throwing out the Bill would not prevent the evil, as what was refused by parliament would still be supported by conscience. He said there were many plays of a moral instructive tendency, that where those representations were properly conducted, they operated to the improvement of manners; and if custom had not determined otherwise, for his own part, he could with pleasure go to the theatre to see the English Roscius; and on the whole, if a theatre was to be permitted, or established by act of parliament (for he was afraid the evil would exist in one form, or the other) he hoped the magistrates in all those towns, where such exhibitions were permitted, would take singular care to prohibit the representation of one particular play (the Beggar's Opera) which, in his opinion, tended more to corrupt the morals of the lower orders of the people, than all the other plays extant in the English language beside: and should the managers or directors persist, he trusted that the magistrates would vigorously execute the vagrant laws against such daring offenders, as persons not entitled to a parish settlement.

The Earl of *Radnor*. No person in this House would be farther than I would from passing a censure upon any body of men, particularly the right reverend bench, for whom I entertain so high a respect. A short history of the transaction will, however, be my best apology for my conduct relative to what has already happened; and for still persisting in my former opinion, and refusing now to retract it. While this Bill was passing through the other House, I applied to the most reverend prelate who sits at the head of the bishop's bench, to the right reverend prelate who just spoke, and to the other right reverend prelate in whose diocese Manchester is situated. I informed them of my intention to oppose the Bill; and desired to know their sentiments. They answered, they thought with me on the subject; and were resolved to give it every opposition in their power. Having notice of the day the Bill was to come up from the Commons, I desired the first reading might be deferred, and the Lords summoned. This being complied with, how great was my astonishment, when I moved the rejection on the first reading, to find the previous question put, and myself in a minority alone; every one member of the right reverend bench that was present having divided against me. I do therefore appeal to your lordships, if I had not reason to be offended; and if any one noble lord in this House would not think himself ill treated, if upon any question agitated within these walls, his friends, after assuring him of their support, should encourage him to divide the House, and afterwards vote directly contrary to the previous assurances given on their part?

The Earl of *Carlisle* spoke much in favour of the Bill; said, that Methodism was daily gaining ground, particularly in the manufacturing towns; and that playhouses, well regulated, would be the means of dispelling those gloomy thoughts, and that melancholy state of mind so favourable to the propagation of the dangerous doctrines embraced by those sectaries. He would not say plays were therefore at this time less witty, but they certainly were less immoral and indecent than the productions of former periods, and consequently a restrictive hand was less necessary than it ever was before.

Lord *Lyttelton*. The right reverend prelate who opened the debate, though he professes his intention of giving a negative to the Bill, has at the same time pleaded most powerfully in its favour. He says, were our theatric exhibitions properly re-

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gulated, they might serve and promote the cause of virtue, instead of hurting it. He deprecates the baneful effects of one play in particular, the Beggar's Opera: and seems to allow, that the representation of that play alone is to be dreaded. I am pleased to find, that the right reverend prelate has given me so fair an opportunity of satisfying him on that head; and informing him, that the intended manager has given me the fullest assurances, that that play shall never be exhibited on his theatre. The right reverend prelate likewise tells your lordships, that if custom and the current prevailing opinions of mankind had not forbidden it, he could with pleasure be present to see the English Roscius appear in some of his capital characters. I applaud the wish, and I am sorry to observe, that nothing but prejudice and ignorance could lay the foundation of a distinction, which is to preclude any set of men from enjoying the fruits of so pleasing, instructive, and solid an entertainment. The right reverend prelate endeavours to make a distinction between those places where entertainments of this kind ought or ought not to be permitted; by which he would exclude all trading and manufacturing towns. But here I must beg leave to dissent from him, and to draw a direct contrary conclusion; for in my opinion, there is no place under proper regulation, in which they should be more encouraged, as people, who labour intensely, require a proportionable recreation; and the sixpence spent at a theatre is much better laid out than at an alehouse. It gives me much pain, but my duty as a member of this House will not permit me to pass over in silence a matter of no small consequence mentioned in this day's debate; I mean the protest signed a few days since by the noble earl near me, which, give me leave to say, when properly and seriously considered, has a much more direct tendency to corrupt the morals of the lower orders of the people, than all the theatrical exhibitions ever represented in this country. The right reverend bench, who are the great protectors of the interests of religion, the known promoters of virtue and morality in their several dioceses, who in their own persons enforce by example what they teach by precept; who are the only set of men in the Christian world of the same description that follow the rigid doctrines of primitive Christianity, and shew themselves the true disciples of their Saviour Jesus, (the bishops of Spain, France, Italy, and the rest of Europe having long since mixed in the common herd of mankind, and thrown off all distinctions of living and acting, which originally connected themselves with the exercise of their sacred functions.)—This very respectable body of men, I say, are not only held out to the present generation, but their names handed down to posterity, as the encouragers of vice, immorality, and profaneness; and still the more to aggravate the charge, their own words, on a former occasion, are quoted and contrasted with their recent conduct, in order to convict them of hypocrisy, and surcharge the picture. This is the substance of the noble earl's protest. Now, what will be the probable consequences, as operating on the people? First, to increase that levelling spirit, and contempt of the high orders of the state, which I am sorry to see is already too prevalent, and which is known to be so destructive of all subordination, order and good government; and secondly, to persuade mankind, that religion and morality are no more than empty sounds taken up and echoed for personal interested purposes, when it is proved that the very protectors and guardians of both have deserted their charge, as unworthy of their care or attention. This, my lords, will be the certain effect of the noble earl's protest in its present form; and it is on this ground I now presume to contend, that it is highly incumbent on his lordship to withdraw it, or modify it in such a manner as to prevent the manifest evils it must otherwise be productive of. I know the noble lord's candour; I am satisfied of his love of truth and justice. His religious tenets are too well known: indeed his ecclesiastical, I should say his episcopal character, for sanctity of life and purity of doctrine, are already so notorious, that his lordship wants no essential quality, but a mitre and a pair of lawn sleeves, to make him a perfect bishop. I therefore intreat that his lordship, from those united motives, will undeceive the public, and disabuse posterity, by erasing the exceptionable parts of the protest, or consent to withdraw it entirely. The explanation of the right reverend prelate, the sentiments of the whole bench, shew beyond question that justice rigidly demands what is now asked; for, sure, the noble lord could not wish to have it go abroad into the world, that the right reverend bench voted for the Bill, when the fact was confessedly other-

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wise; and that the cause of virtue, morality, and religion, should suffer by means of any such misrepresentation. On the whole, my lords, I appeal to the candour and justice of the noble lord: I trust to his care of the morals of the people, and his love of truth, that he will devise some method to set this matter upon a right footing; and I press him more earnestly to the execution of this request, because, otherwise, I must be under the disagreeable necessity of moving to expunge from your lordship's Journals, what truth will not permit to remain there; what is in its nature so very injurious to the personal character of so respectable a part of this House; and finally, what may be so destructive to the morals of the people and to the civil and religious interests of this country.

The Earl of *Radnor*. Whatever might have been the intention of the right reverend prelate, and the rest of his brethren present, I could not pretend to determine. I found myself compelled to act in a manner suited to my feelings, and to the spur of the occasion. A Bill was offered to be read a first time, for establishing a theatre in the town of Manchester; from the very minute, therefore, that the division took place, and that I saw the members of the right reverend bench support the bringing in of the Bill, I was clearly justified in making the distinction on which my protest was grounded. The right reverend prelate justifies himself on the usage of parliament; which is, to let a Bill go to a first reading, perhaps out of compliment to whatever noble lord may happen to bring it in. But I deny any such usage, as a rule never to be departed from: I remember myself many instances to the contrary, particularly one, in which the right reverend bench itself took a very leading and active part, relative to the dissenters. I recollect a recent instance, in the course of the present session, full in point, when a Bill was rejected on the very day it was received; and I look upon it to be much more parliamentary, candid, and regular, to reject a Bill, the principle of which is totally disapproved of, in the first stage, than, by permitting it to go to a second reading, entertain, and give a sanction to the principle, and subject the persons applying for it to the expences and fees of the House. How much soever the right reverend prelate may talk of candour and parliamentary usage, I am justified in contending, that such an indulgence is cruelty in the extreme, and that I shall always think it my duty to put a negative on a Bill, in a stage in which it is attended with little or no expence, rather than vote first for its introduction (though fully determined to oppose it) and when it comes to be read a second time, vote for its rejection; which to me appears somewhat like entertaining a bill or suit in the courts below, upon no just ground, but with a view to dismiss it with double costs, as frivolous and vexatious.

The Duke of *Manchester*. The noble lord (Lyttelton) seems to establish a proposition, which I must confess I am far from approving. He urges the necessity of the noble lord, who spoke last, permitting such alterations in his protest as may remove the censure it is supposed to contain on a certain right reverend body; and in case of refusal, says, he shall be obliged to move, that the objectionable words, or passage alluded to, shall be erased. I am far from approving of the whole of the protest: I wish sincerely it had not been entered, because it proceeded from misapprehension, no matter on which side; but I can never consent to have one of the most important and useful privileges of the peerage invaded, to answer any particular purpose, however urgent. It is the inherent, indubitable right of every noble lord in this House, to protest either singly or in a body; and I take it, that this privilege admits of no specific controul. This privilege, it is true, may be abused, or wrongly exercised; but what will be the probable consequence, should your lordships attempt to establish a precedent that would take this right of protesting away? That a majority at all times may not only, as usual, carry every point they wish, but besides, prevent the minority from protesting; for reasons would not be wanting to point out the necessity of such a mode of proceeding. I cannot therefore conceive, that it would be possible to devise any mode, or form of protesting, which might not with a little ingenuity be interpreted to be injurious to some one body of men or other. On the other hand, the great respect I bear to the noble earl, who drew up the protest, and the high esteem and reverence I entertain for the right reverend body, who are immediately affected by that performance, induce me to wish, that the noble earl himself would offer some amendment, or explanative addition, suited to the actual circumstances of the case. But

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whether his lordship will, or will not, I can never give my consent to have any part of the records of parliament expunged from your lordships' Journals. As to the Bill itself, I own myself a very warm advocate in its favour. I think the motives for condemning theatric representations, which formerly subsisted, at present no longer exist. The licentiousness of the last century is wholly banished from our theatres; and how much soever our modern playwrights may fall short of their predecessors in point of wit, humour, and true character, they at least excel them in morality. I will not even pretend, that this turn or taste of the town originated either with authors or managers; but this I will affirm, and do appeal to your lordships for the truth of what I say, that the most moral and sentimental pieces are those best received; nay more, that any glaring violation of the rules of propriety and decorum would meet with the marked displeasure of the public. Besides, were there any grounds to fear that a certain favourite piece, justly reprobated by the right reverend prelate, as pernicious and destructive to the last degree, of the morals of the lower orders of the people, might be exhibited on the Manchester theatre, we have the most full and specific assurances to the contrary.

Earl *Gower* endeavoured to shew, that the protest was drawn up on misconception; and therefore, as the true sentiments of the right reverend bench were at present fully known, he earnestly recommended to the noble earl to make such alterations as would correspond with those sentiments. His lordship observed, that the protest had already got into the newspapers, that, in its present form, it conveyed the most unfavourable idea of the whole bench of bishops; and that, consequently, the reparation which justice required, ought to be as public as the injury they had sustained, which he knew no way of effecting but by altering the protest, and explaining the true grounds of the mistake, or misrepresentation.

The Archbishop of *Canterbury*. The right reverend prelate on my right hand, has so fully explained what I had to offer concerning the protest, that I have nothing further to urge on that subject. This I may safely add, however, that the noble earl who thought fit to pass so heavy a censure on this bench, nor any other lord in this House, could possibly be more zealous against the present Bill than myself. I assured his lordship, at the time, of my sentiments; and I little imagined, that when I was complying with what I deemed the uniform mode of proceeding established by the House, I was at the same time laying a foundation for a charge of a most heavy and unprecedented nature, in which I and the rest of my brethren were to be undeservedly involved. That noble lord's own ideas of justice will, I doubt not, better suggest what may be proper to undeceive the public than any thing I could possibly offer. A noble lord (Lyttelton) has endeavoured to defend the Bill on general principles; but, in my opinion, he has totally failed, as to the particular application of his arguments, in support of establishing play-houses in great manufacturing towns. I must observe, that his reasons are both fallacious and erroneous; for whatever may be urged for their being established here in London, I am perfectly convinced that they tend to create idleness, and all the train of evils idleness is known to be productive of, among those who are destined to live by labour and industry. I remember, when I resided in the last diocese I had the care of, I went to a great trading town (Birmingham) to attend an ordination; and having a curiosity to inspect the manufactures carrying on by a Mr. Taylor, upon examining the works, I enquired how many men he employed; he answered 500. And where are they? is this a holiday? No, says he, but we have a play-house here; the men were at the play last night, and it is impossible to get them to their business for two or three days after they have been there. The noble lord has asserted another thing equally destitute of foundation or probability. He supposes that the labouring mechanic will spend the six-pence or shilling he was wont to throw away at the public-house, in the more rational entertainment of a play. Is his lordship serious, or would he attempt to persuade us, that the man who used to waste his time at the ale-house will return supperless to bed, or not rather incur a double expence, first at the play-house, and afterwards at a public-house? On the whole, we do not speak from mere speculation; experience has already proved the evil at Norwich and other trading towns. I disapprove of the principle; I am convinced that in trading and manufacturing towns its effects are immediate and pernicious; I am therefore strenuously against committing the Bill.

Viscount *Dudley*. I live very near the

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great manufacturing town the reverend prelate speaks of, and in the course of my observation and acquaintance with several of the most eminent traders, could never learn that the least inconvenience was felt by erecting a play house in that town. I knew Mr. Taylor, the person his grace speaks of; and can hardly think he could have ever amassed the very immense riches he did, unless his men, as well in times of theatric exhibitions as at other seasons, were more amenable to their master's orders, and attended more constantly to their work. As to the protest which has been so much the subject of this day's debate, I confess I do not see myself, how the expression of convocation, and the conduct of the bishops can be at all contrasted, as they are attempted in the protest: in their address, they shew their abhorrence of every thing that tends to encourage immorality: and here they voted for a Bill allowing the exhibition of moral plays. I do not think the observation at all to the purpose. I wish the noble earl would consent to withdraw, or suffer such alterations as would prevent the injustice with which it is fraught, and the very dangerous impressions it may make without doors.

The Bishop of *Bangor*. I would venture to recommend a mode, which in my apprehension would meet with the ideas of all sides of the House. The noble earl who framed the protest, it is certain, mistook the intentions of this bench. In my opinion, the best way, without doing any violence to the rights of the peerage on one hand, or suffering misrepresentation to get out into the world on the other, would be reciting the circumstances which have since been explained, added to the protest in its present form; by which means the whole matter will be taken together, and appear in its genuine form, without prejudice to any person whatever. The noble lord has admitted, that we declared ourselves against the Bill; would it not be justice to us, to insert the same in the record, together with what we consider as an insinuation of the contrary?

Lord *Lyttelton*. The noble earl who drew up the protest has confirmed himself what has fallen from the right reverend bench. His lordship has told you, that the most reverend prelate who spoke some time since, and two right reverend prelates, assured him they were against the Bill. I do therefore think his lordship bound upon every motive of truth and justice, to alter his protest, by inserting that fact, as well as such others as have since come out, that the public may be enabled to form a true judgment of the whole together.

The Earl of *Radnor*. I admit with the noble lord near me, (lord Dudley) that the intended contest between the professions and conduct of the bishops, must appear ill supported, to one who considers this Bill as an encouragement to immorality; but I appeal to the bishops themselves, to the arguments they have this day used against it, that they consider it as I do; and consequently that their conduct upon the first reading was inconsistent with their promise to me, their professions in their address, and their arguments and opinions you have heard this day; after all I do assure your lordships that I find myself extremely embarrassed in what manner to act. I think still, that I was strictly justified in what I have done; yet the House seem to be of another opinion, to whose judgment, as far as it is consistent with my own personal rights, and those of the peerage in general, I would very cheerfully submit. Thus circumstanced, therefore, I have difficulties to encounter on either hand; the only mode of keeping clear of them, which presents itself at present to me, is to come to the question directly, and if the right reverend bench should find itself in a minority, they will have an opportunity of protesting against the Bill, and wiping off the imputation several of its members seem so sensibly to feel; if not, and that the Bill should happen to be thrown out, in that event I pledge myself to have the matter cleared up to the satisfaction of the House.

The Bill was committed by a majority of 33 to 25.

Lord Radnor's Protest against committing the Manchester Play-house Bill.] The Earl of Radnor entered the following Protest:

"Dissentient.

"Because the several reasons already entered against passing Bills of this nature have in this debate received additional weight and force, from the argument of the prelates, and their unanimous vote; for though by refusing, without reason given, to divide for the previous question, moved upon the question of rejection, after the first reading (which gave time for procuring a petition in favour of the Bill) they appeared to me to countenance the Bill; yet as their lordships have this day solemnly avowed in argument, that they

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had no such intention, and think they unjustly suffer by the imputation of it, it would be injurious to the reverend bench, as well as to the argument, not to say I am strengthened in my objections to the Bill, by their lordships' declarations, of their having been uniformly as well as unanimously against it. RADNOR."

The Bill passed without further opposition.

Debate in the Commons on the Representation and Remonstrance of the General Assembly of New York.] May 15. Mr. *Burke* said, he had in his hand a paper of importance. That it was from the General Assembly of the province of New York, a province which yielded to no part of his Majesty's dominions in its zeal for the prosperity and unity of the empire, and which had ever contributed as much as any, in its proportion to the defence and wealth of the whole. That it was a complaint, in the form of a Remonstrance, of several acts of parliament, some of which, as they affirmed, had established principles, and others had made regulations subversive of the rights of English subjects. That he did not know whether the House would approve of every opinion contained in that paper; but as nothing could be more decent and respectful than the whole tenor and language of the Remonstrance, a mere mistake in opinion upon any one point, ought not to hinder them from receiving it, and granting redress on such other matters as might be really grievous, and which were not necessarily connected with that erroneous opinion. They never had before them so fair an opportunity of putting an end to the unhappy disputes with the colonies as at present; and he conjured them, in the most earnest manner, not to let it escape, as possibly the like might never return. He thought this application from America so very desirable to the House, that he could have made no sort of doubt of their entering heartily into his ideas, if the noble lord (North) some days before, in opening the budget, had not gone out of his way, to pass a panegyric on the last parliament; and in particular to commend as acts of lenity and mercy, those very laws, which the Remonstrance considers as intolerable grievances. This circumstance, indeed, did somewhat abate the sanguine hopes of success which he had entertained from this dutiful procedure of the colony of New York. That he was so ill as not to be able to trouble them, if he were willing, with a long speech. He had several times in the session expressed his sentiments very fully upon every thing contained in that Remonstrance; as for the rest it spoke so strongly for itself, that he did not see how people in their senses could refuse at least the consideration of so reasonable and decent an Address. He then moved, "That the Representation and Remonstrance of the General Assembly of the colony of New York be brought up."

Lord *North* moved, That the entry in the Journals of the House, of the 7th of December, 1768, of the proceedings of the House, touching the Petition of the representatives of freemen in assembly of Pennsylvania, then offered to be presented to the House, might be read. He also moved, That an Act made in the 6th of his present Majesty, intituled, An Act for the better securing the dependency of his Majesty's dominions in America upon the crown and parliament of Great Britain, might be read, and the same were read accordingly. He spoke greatly in favour of New York, and said that he would gladly do every thing in his power to shew his regard to the good behaviour of that colony: but the honour of parliament required, that no paper should be presented to that House, which tended to call in question the unlimited rights of parliament. That they had already relaxed in very essential points; but could not so much as hear of any thing which tended to call in question their right of taxing. As to the Quebec duties, by which the province of New York was affected, as he did not pretend to be infallible, he confessed they were not laid exactly as they ought to be, and he was willing to give satisfaction in that point immediately. This however was but a trifle to the general objects of the Remonstrance. He then moved an Amendment, by inserting after the word 'Remonstrance' the words 'in which the said assembly claim to themselves rights derogatory to, and inconsistent with, the legislative authority of parliament, as declared by the said Act.'

Mr. *Cruger*. No person can be less disposed to trouble the House than I am; but when a subject so important and interesting is before us, I am confident I shall be forgiven, though I intrude on your patience for a few minutes. Sir, I pant after peace between this country and its

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colonies, and will gladly join my feeble voice to any proposal or overture that tends to an amicable settlement of the dispute. Any other mode of determining must inevitably injure both. The strength and prosperity of Great Britain and America have a common foundation; they stand on the same basis, and one cannot be shaken without endangering the other. It is therefore the interest of both parties to discover a disposition to be reconciled, not to be too severe in marking each others errors, to remember their old friendship, and calmly and dispassionately advance to a renewal of confidence for the future. The assembly of New York have pursued this path; they have endeavoured to put a truce to resentment and tumult, and, while the other colonies (in the frenzy of riot, commotion, and despair) have nearly annihilated the powers of their legislatures, and rush on to civil war, they dutifully submit their complaints to the clemency of the mother country.

Such conduct, Sir, cannot but meet the approbation of this House. The legislature cannot but invite subjects thus peacefully to pursue every legal way of redress: on the contrary, should this application be attended with no success, the colonies will be discouraged from such attempts, and the assembly of New York be driven into the common stream of opposition, to escape the charge of ineffectual and imprudent singularity. Although almost every other colony on the continent has transferred the business of petitioning from their own proper legislature to a general congress, the province of New York has ventured to be singular in reverence and obedience to her colonial constitution, and has resolutely adhered to her duty, uninfluenced by the example of her neighbours.

Policy and justice recommend the encouragement of such a spirit and conduct. It will induce others to copy their example; the citizens of New York have, during the present unhappy dispute, distinguished themselves by their temperate conduct. If they meet the protection and patronage of government, they will be animated to pursue the same path with greater alacrity and firmness. In their present addresses to the throne, and both Houses of Parliament, though they may have extended their claims and complaints a little too far, still let us make a generous allowance for the difficulty of their situation: they could not at this particular crisis, wholly disregard the opinion of their sister colonies, and indeed, every lover of this liberal constitution cannot but, at least, forgive the apprehension and disquietudes of freemen, under a claim which stamps them with the character of slaves. I mean the claim held up by this country of binding them, without the consent or security of their own representatives, in all cases whatever—than which there cannot be a more complete description of the most ignominious servitude; and it is reserved to distinguish the administration of this day—to assign as a reason for rejecting a petition from British subjects and in an English House of Commons, that they claimed a right of giving and granting their own money by their own representatives.

And, Sir, as a refutation of many unjust charges alleged against them, they particularly disclaim all intentions and desire of independence. They confess the necessity of a superintending power in parliament, and explicitly state their conviction of its utility and equity when exercised for the regulation of trade. They look up to the legislature for redress; they entreat the exertions of its wisdom and benevolence to propose and adopt some method to terminate the present destructive dispute, for the happiness and to the satisfaction of both countries. They gratefully acknowledge the blessing which they have derived from the parental state; they deeply lament the interruption of your affection, and hope to avert your indignation by remonstrance and prayer. What more humble would Englishmen ask from Englishmen and the sons of Englishmen? Permit me then, Sir, to beseech the House not to turn a deaf ear to their requests; but to embrace the first favourable opportunity of bringing them back to their duty, and leading them on to higher acts of obedience by new instances on our part, of mildness, remission and friendship.

Mr. *Cornwall* said it was contrary to every idea of the supremacy of parliament to receive a paper in which the legislative rights of parliament were denied; before such a paper could be brought up, the Declaratory Act ought to be repealed: but the paper was not of that magnitude; it was only from 26 individuals.

Mr. *Jenkinson*, on the same side, urged that the House had never received petitions of this nature: but that here the name of a petition was studiously avoided, lest any thing like an obedience to parlia-

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ment should be acknowledged. The opposition of the colonies was not so much against the tax which gave rise to the present dispute, as to the whole legislative authority of parliament, and to any restrictions of their trade. He reprobated every part of the Remonstrance, and therefore was not for suffering so disrespectful a paper to be brought up.

Mr. *Aubrey*. Sir, as I have ventured to deliver my sentiments here upon some occasions, I am unwilling to give a silent vote upon this; because I think it a very critical as well as a very important one. The petitioners, 'tis true, who now apply to us, remonstrate against our right of internal taxation; but they acknowledge, with great decency and respect, the supreme government of this legislature over the whole empire, as well as its authority, to the utmost extent, to regulate the trade and commerce of the colonies, and at the same time they give us the strongest assurances, "that they are, as they ever have been, ready to bear their full proportion of aids, whenever the crown, with the consent and approbation of parliament, may make such requisitions as the public service shall call for." Sir, this Remonstrance may be in opposition to our Declaratory Act: but it is in defence of their customary and prescriptive exemption from British taxation; the loss of which exemption will put them into the condition of slaves, whose all will depend only upon the justice or generosity of their masters. Though I am ready, Sir, to declare in the words of the greatest minister this country knows, that I think "we have no right under heaven to tax the Americans without their consent;" yet for the sake of argument, I will admit that such a right if we reason strictly and logically, may be made out partly from the words of some of their charters, and partly upon the nature of sovereignty itself: but whatever the right may be, every one knows that till of late it was never exercised, and was therefore grown at best obsolete, if a thing never practised can properly be called so. Now, a right that is become obsolete is very near akin to no right at all; and when revived is as offensive as if it had never previously existed. Among the oppressive measures of Charles the 1st, it was none of the least that he revived obsolete claims. Indeed some of our modern historians (and those I allude to are at present most in fashion) have reduced the whole of his oppressions to this denomination: but, Sir, this nation was incensed, and the greater part rose in arms against him for this practice. And do we wonder that the Americans are so little disposed to claims that had laid dormant so long, and which few of them, if any, had ever so much as heard of?—After looking backward to the origin of this right, let us now look forward to its consequences. And here the Americans seem equally excusable for not admitting a principle which may be abused to their ruin, and which is not unlikely to be so abused. Whenever a minister wants money for bad purposes, and finds the nation clamorous against his raising it at home, what so natural for him as to supply his wants by the plunder of another nation, whose clamours either do not reach him, or from their distance are too weak to disturb his repose. The temptation, Sir, is as great as the necessities of ministers are frequent; and both together will easily overcome their scruples. I cannot therefore think that the Americans can be too tenacious of that customary privilege of taxing themselves, which is their only security against being reduced to beggary and famine. And I shall only farther add, that as long as government persists in attempting to tax the Americans without their consent, so long shall I think myself justified in taking every opportunity of voting on the side of that oppressed, perhaps I might say, devoted people.

Mr. *Fox* said, the right of parliament to tax America, was not simply denied in the Remonstrance, but as coupled with the exercise of it. The exercise was the thing complained of, not the right itself. When the Declaratory Act was passed, asserting the right in the fullest extent, there were no tumults in America, no opposition to government in any part of that country: but when the right came to be exercised in the manner we have seen, the whole country was alarmed, and there was an unanimous determination to oppose it. The right simply is not regarded; it is the exercise of it that is the object of opposition. It is this exercise that has irritated, and made almost desperate several of the colonies; but the noble lord (North) chuses to be consistent; he is determined to make them all mad alike. The only province that was moderate, and in which England had some friends, he now treats with contempt. What will be the consequence, when the people of this moderate province are informed of this

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treatment? That representation which the cool and candid of this moderate province had framed with deliberation and caution, is rejected, is not suffered to be presented, no not even to be read by the clerk. When they hear this, they will be inflamed, and hereafter be as distinguished by their violence, as they have hitherto been by their moderation. It is the only method they can take to regain the esteem and confidence of their brethren in the other colonies, who have been offended at their moderation. Those who refused to send deputies to the congress, and trusted to parliament, will appear ridiculous in the eyes of all America; it will be proved, that those who distrusted and defied parliament, had made a right judgment; and those who relied upon its moderation and clemency, had been mistaken and duped. The consequence of this must be, that every friend the ministers have in America, must either abandon them, or lose all credit and means of serving them in future.—The noble lord acknowledges the Quebec duties are not laid exactly as they ought to be. This matter is not introduced in the Remonstrance on account of its being a grievance; but to shew how extremely ignorant the present ministers are of the proper mode of American taxation. What is there to hinder the people of New York from trading with the interior country as before? Every thing is just the same; there are no troops to hinder them passing and repassing as usual. Is there so much as an officer to receive that duty which is directed to be paid? It is mentioned, to convince you of your ignorance in taxing America. You make an act of parliament to raise a revenue in that country, and you not only make a capital blunder in it, but stumble at the threshold of collecting it.

Governor *Johnstone* observed, that when Mr. Wilkes had formerly presented a petition full of matter, which the House did not think fit to enter into, they did not prevent the petition being brought up; but separated the matter which they thought improper, from that which they thought ought to be heard. The House might make use of the same selection here. Ministers have long declared, they wished for a dutiful application from one of the colonies, and now it is come they treat it with scorn and indignity. He was severe on Mr. Cornwall's saying it came only from 26 individuals. These 26 are the whole assembly. When the question to adopt the measures recommended by the congress, was negatived by a majority of one only, in this assembly of 26 individuals, the ministers were in high spirits; and these individuals were then represented as all America.

The House divided upon lord North's amendment. The Yeas went forth.

Tellers.

Yeas	Lord Cranborne - Mr. Gascoyne - -	186
Noes	Marquis of Granby Mr. Ald. Sawbridge	67

So it was resolved in the affirmative.

Then the main question, so amended, being put, "That the said Representation and Remonstrance, in which the said assembly claim to themselves rights derogatory to, and inconsistent with, the legislative authority of parliament, as declared by the said Act, be brought up;" it passed in the negative.

The following is a Copy of the Remonstrance:

"The Representation and Remonstrance of the General Assembly of the Colony of New York.

"To the honourable the Knights, Citizens, and Burgesses of Great Britain in Parliament assembled.

"Impressed with the warmest sentiments of loyalty and affection to our most gracious sovereign, and zealously attached to his person, family, and government, we, his Majesty's faithful subjects, the representatives of his ancient and loyal colony of New York, behold with the deepest concern the unhappy disputes subsisting between the mother country and her colonies, convinced that the grandeur and strength of the British empire, the protection and opulence of his Majesty's American dominions, and the happiness and welfare of both, depend essentially on a restoration of harmony and affection between them;—we feel the most ardent desire to promote a cordial reconciliation with the parent state, which can be rendered permanent and solid only by ascertaining the line of parliamentary authority, and American freedom, on just, equitable, and constitutional grounds. To effect these salutary purposes, and to represent the grievances under which we labour, by the innovations which have been made in the constitutional mode of government since the close of the last war,

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we shall proceed with that firmness, which becomes the descendants of Englishmen, and a people accustomed to the blessings of liberty, and at the same time with the deference and respect which is due to this august assembly, to shew,

"That from the year 1683, till the above-mentioned period, this colony has enjoyed a legislature, consisting of three distinct branches, a governor, council, and general assembly, under which political frame the representatives of the people have uniformly exercised the right of their own civil government, and the administration of justice in the colony.

"It is therefore with inexpressible grief that we have of late years seen measures adopted by the British parliament, subversive of that constitution under which the good people of this colony have always enjoyed the same rights and privileges so highly and deservedly prized by their fellow subjects in Great Britain; a constitution in its infancy modelled after that of the parent state, in its growth more nearly assimilated to it, and tacitly implied and undeniably recognized in the requisitions made by the crown, with the consent and approbation of parliament.

"An exemption from internal taxation, and the exclusive right of providing for the support of our own civil government, and the administration of justice in this colony, we esteem our undoubted and unalienable rights, as Englishmen; but while we claim these essential rights, it is with equal pleasure and truth we can declare, that we ever have been, and ever will be ready to bear our full proportion of aids to the crown for the public service, and to make provision for the necessary purposes, in as ample and adequate a manner as the circumstances of the colony will admit. Actuated by these sentiments, while we address ourselves to a British House of Commons, which has ever been so sensible of the rights of the people, and so tenacious of preserving them from violation, can it be a matter of surprize, that we should feel the most distressing apprehensions from the act of the British parliament, declaring their right to bind the colonies in all cases whatever? A principle which has been actually exercised by the statutes made for the sole and express purpose of raising a revenue in America, especially for the support of government, and the other usual and ordinary services of the colonies.

"The trial by jury of the vicinage in causes civil and criminal, arising within the colony, we consider as essential to the security of our lives and liberties, and one of the main pillars of the constitution, and therefore view with horror the construction of the statute of the 35th Henry 8th, as held up by the joint address of both Houses of Parliament in 1769, advising his Majesty to send for persons guilty of treasons, and misprisions of treasons, in the colony of Massachuset's Bay, in order to be tried in England; and we are equally alarmed at the late Acts, impowering his Majesty to send persons guilty of offences in one colony to be tried in another, or within the realm of England.

"When we consider that the cognizance of causes arising on the land, has by the wisdom of the English constitution been appropriated to the courts of common law, and the jurisdiction of the admiralty confined to causes purely marine, we regard the great alterations that have been made in that wholesome system of laws, by extending the powers of the courts of admiralty, authorising the judges' certificates to indemnify the prosecutor from damages he might otherwise be liable to, giving them a concurrent jurisdiction with the courts of common law, and by that means depriving the American subject of his trial by a jury, as destructive to freedom, and injurious to our property.

"We must also complain of the Act of the 7th of George the 3d, ch. 59th, requiring the legislature of this colony to make provision for the expence of supplying troops quartered amongst us, with the necessaries prescribed by that law: and holding up by any other act a suspension of our legislative powers till we should have complied, as it would have included all the effects of a tax, and implies a distrust of our steadiness to contribute to the public service.

"Nor in claiming these essential rights do we entertain the most distant desire of independence on the parent kingdom; we acknowledge the parliament of Great Britain necessarily entitled to a supreme direction and government over the whole empire, for a wise, powerful, and lasting preservation of the great bond of union and safety among all the branches; their authority to regulate the trade of the colonies so as to make it subservient to the interest of the mother country, and to prevent its being injurious to the other parts of his Majesty's dominions, has ever

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been fully recognized; but an exemption from duties on all articles of commerce which we import from Great Britain, Ireland, and the British plantations, or on commodities which do not interfere with their products or manufactures, we can justly claim; and always expect that our commerce will be charged with no other than a necessary regard to the trade and interest of Great Britain and her colonies evidently demands; at the same time we humbly conceive, that the money arising from all duties raised in this colony should be paid into the colony treasury, to be drawn by requisitions of the crown to the general assembly, for the security and defence of the whole empire.

"We cannot avoid mentioning among our grievances the Act for prohibiting the legislature of this colony from passing any law for the emission of a paper currency to be a legal tender in the colony: our commerce affords so small a return of specie, that without a paper currency, supported on the credit of the colony, our trade and the change of the property must necessarily decrease; without this expedient we never should have been able to comply with the requisitions of the crown during the last war, or to grant ready aids on any sudden emergencies. The credit of our bills has ever been secured from depreciation by the short periods limited for their duration, and sinking them by taxes raised on the people; and the want of this power may, in future, prevent his Majesty's faithful subjects here from testifying their loyalty and affection to our gracious sovereign, and from granting such aids as may be necessary for the general weal and safety of the British empire: nor can we avoid remonstrating against this Act, as an abridgment of the royal prerogative, and a violation of our legislative rights.

"We must also complain of the Act of the last session of parliament, imposing duties on certain articles imported into the province of Quebec, and restricting the importation of them to the ports of Quebec and St. John's on the river Sorel, by which the commerce formerly carried on by this colony with the Indians is in a great measure diverted into another channel; as by the extension of the bounds of that province from Hudson's Bay to the Ohio, by a statute of the same sessions, a great extent of country is cut off from this colony, in which hitherto the most lucrative branches of the Indian trade were pursued; and by directing the duties on the articles necessary for that commerce to be paid only at the above ports, which are so very remote from this and the other colonies, that the importation of them by those places will be attended with such a heavy expence as to amount to a total prohibition: these Acts, in our opinion, bear with peculiar hardship on the people of this colony, when we reflect on the vast sums of money which have been expended by our legislatures in conciliating the friendship of the savages, and the essential services which were derived to the British arms during the last war from our alliance with and influence over them, founded on free and unrestrained commerce. We are at a loss to account why articles imported from the continental colonies, and imported into the province of Quebec, should be loaded with heavier duties than those brought from the West India islands, by which, while we are deprived of a most lucrative branch of commerce, we behold a discrimination made between us and the sugar colonies to our prejudice, equally injurious and unmerited.

"Nor can we forbear mentioning the jealousies which have been excited in the colonies by the extension of the limits of the province of Quebec, in which the Roman Catholic religion has received such ample supports.

"Interested as we must consider ourselves in whatever may affect our sister colonies, we cannot help feeling for the distresses of our brethren in the Massachuset's Bay, from the operation of the several acts of parliament passed relative to that province, and of earnestly remonstrating in their behalf. At the same time we also must express our disapprobation of the violent measures that have been pursued in some of the colonies, which can only tend to increase our misfortunes, and to prevent our obtaining redress.

"We claim but a restoration of those rights which we enjoyed by general consent before the close of the last war; we desire no more than a continuation of that ancient government to which we are entitled by the principles of the British constitution, and by which alone can be secured to us the rights of Englishmen. Attached by every tie of interest and regard to the British nation, and accustomed to behold with reverence and respect its excellent form of government, we harbour not an idea of diminishing the power and grandeur of the mother coun-

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try, or] lessening the lustre and dignity of parliament; our object is the happiness which we are convinced can only arise from the union of both countries. To render this union permanent and solid, we esteem it the undoubted right of the colonies to participate of that constitution whose direct end and aim is the liberty of the subject; fully trusting that this honourable House will listen with attention to our complaints, and redress our grievances, by adopting such measures as shall be found most conducive to the general welfare of the whole empire, and most likely to restore union and harmony amongst all its different branches.

"By order of the General Assembly,
"JOHN CRUGER, Speaker."
"Assembly Chamber, City of New York,
"the 25th day of March 1775."

Debate in the Lords on Lord Camden's Bill to repeal the Quebec Government Act.] May 17. Lord Camden presented the following Petition.

"To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

"The PETITION of his Majesty's loyal and dutiful subjects settled in the province of Quebec,

"Humbly sheweth,

"That since the commencement of civil government in this province, your lordships' humble petitioners, under the protection of English laws granted us by his sacred Majesty's royal proclamation, bearing date the 7th day of October, which was in the year of our Lord 1763, have been encouraged to adventure their properties in trade, estates, and agriculture, to a very considerable amount, thereby rendering the province a valuable acquisition to Great Britain: that, to their inexpressible grief, they find, by an act of parliament intitled, 'An Act for making more effectual provision for the government of the province of Quebec in North America,' they are deprived of the Habeas Corpus Act and trial by juries, are subjected to arbitrary fines and imprisonment, and liable to be tried, both in civil cases and matters of a criminal nature, not by known and permanent laws, but by ordinances and edicts which the governor and council are empowered to make void at their will and pleasure, which must render our persons and properties insecure, and has already deeply wounded the credit of the country, and confined our views in trade to very narrow limits.—In this cruel state of apprehension and uncertainty, we humbly implore your lordships' favourable interposition, as the hereditary guardians of the rights of the people, that the said Act may be repealed or amended, and that your humble petitioners may enjoy their constitutional rights, privileges, and franchises heretofore granted to all his Majesty's dutiful subjects. And your petitioners as in duty bound will ever pray.
—Quebec, 12th Nov. 1774."

Before the Clerk read the Petition,

Earl *Gower* said, he should be glad to be informed through what channel the Petition came into the noble lord's hands, as he understood that such a petition had been in town for some months; but not coming in a manner in which his Majesty's ministers could take the desired notice of it, he did not see how the House could entertain it, without it came accompanied with the necessary forms. He heard, he said, that a gentleman, no way connected with the province, had such a petition in his possession; but how the House could be satisfied, that the Petition now presented, was the Petition of the persons to whom it was attributed, was not in his power to determine.

Lord *Camden* replied, it mattered very little how the Petition came into his hands; this, however, he would venture to assure the House, that it was genuine; and if their lordships conceived any suspicion that it was unfairly or surreptitiously obtained, the agent of the colony (Mr. Maseres) would give them the fullest satisfaction on that head.

The Clerk having read the Petition,

Lord *Camden* acquainted the House, that the Petition having been previously offered to every peer in administration, had at last been delivered to himself to present to that House, a task which he had undertaken, not having those reasons that might have influenced the lords in office to decline it; because he had uniformly, from principle and conviction, opposed the Act which they had planned, and by their persuasive powers carried through the House.

His lordship then observed, that after the fullest examination of the Act in question, he found it so thoroughly impolitic, pernicious, and incompatible with the religion and constitution of our country, that no amendment, nor any thing short

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of a total repeal of it, would be sufficient. He remarked on the provisions of the Act as being wholly inconsistent with the reasons recited in it; and he concluded that they were not the true reasons on which it was founded, that there must be other secret motives and designs which had produced the measure, and which could be best discovered by attending to the purposes the Act was calculated to answer, which, from the provisions made therein, appeared to be no other than to prevent the farther progress of freedom and the Protestant religion in America, and to secure a Popish Canadian army to subdue and oppress the Protestant British colonies of America. His lordship arranged his objections to the Act under the three following heads: 1, The extension of the limits of Quebec. 2, The establishment of Popery there; and 3, The civil despotism in which the inhabitants of that immensely extended province are to be perpetually bound, by being deprived of all share in the legislative power, and subjected in life, freedom, and property, to the arbitrary ordinances of a governor and council appointed by, and dependent on the crown.

Under the first of these heads his lordship proved, that there could be no good reason for so extending the limits of Quebec, as to make them comprehend a vast extent of country, 2,000 miles in length from north to south, and bounded on the west only by the South Sea. That this enlargement could only be intended to extend the shackles of arbitrary power and of Popery over all the future settlements and colonies of America. That by drawing the limits of that province close along the interior settlements of all the old English colonies, so as to prevent their further progress, an eternal barrier was intended to be placed, like the Chinese wall, against the further extension of civil liberty and the Protestant religion. His lordship then animadverted particularly on the instructions lately transmitted to general Carleton, whereby the regulation of all the Indian trade of North America is put into the hands of the governor and council of Quebec, and the other colonies are obliged, in their intercourse with the Indians, to submit to the laws, not of the British parliament, but of a despotic unconstitutional legislature in Canada; a measure calculated to produce endless contentions and animosities.

Under the second head his lordship proved, that the Popish religion, though not in express terms, is in effect really and fully established in the province of Quebec. By confirming not only the laity in a free exercise of their religion, but the Romish clergy, in the enjoyment of all their former tythes and ecclesiastical dues, rights, &c. and the bishop, (the Pope's representative) in the exercise of all his spiritual powers and functions, and in the disposal of 180 ecclesiastical benefices; and also by dispensing with the Oath of Supremacy, whereby every officer of government in that province, both civil and military, even the governor himself, may be of the Romish religion. And here his lordship particularly referred to the Act of the 1st Eliz. which for ever excludes the Pope from all jurisdictions within the kingdom of England, and the dominions thereunto belonging, or which may, at any future time, be acquired; and prescribes an oath of supremacy to be taken through this kingdom and all its dominions. This Act his lordship represented as the great support and barrier of the Protestant religion; and, as being in its nature as sacred and fundamental as the Act of Settlement, or even as Magna Charta itself;—and yet, said his lordship, this has been unnecessarily and wantonly violated by the Quebec Act, whereby the oath which it prescribes is wholly dispensed with in that province. His lordship observed, that the capitulation with sir Jeffery Amherst promised the people of Canada only a toleration in the exercise of their religion, and that by the definite treaty of peace, they were only to be allowed to "profess the worship of their religion, according to the rights of the Romish church, as far as the laws of Great Britain permit;" that the utmost which the inhabitants of Canada had expected, in consequence of this, was a religious toleration, such as is allowed to Protestant dissenters in England, whose clergy not only receive no tythes, but are exposed to a train of penalties from which they have in vain solicited relief. And that the Popish clergy of Quebec were so far from expecting any grant of tythes, that they had not even asked for them in the course of more than ten years, which had since elapsed. That they were unexpected—unreasonable bounties, "quod nemo Divûm promittere auserat." His lordship farther observed, that by thus clothing the Popish clergy with wealth and power, and the rites of the Romish

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religion, with that alluring splendor, magnificence and pomp, which are its chief supports, an impolitic insuperable bar was placed against the conversion of the people of Canada, from their present attachment to the Popish religion, and their desire of returning again to the dominion of France.

Under the third and last head, his lordship took an extensive review of the history and constitution of England, as well as of the royal prerogative, in respect to new dominions and conquered countries; he animadverted on the doctrine said to have been delivered by lord Mansfield in the cause respecting the duty of 4½ per cent. levied by the crown in Grenada, and clearly proved, that in all accessions of territory to the crown, the king is constitutionally entrusted, and required to extend to his new subjects, the laws of England, and the benefit of a constitution similar to that of our own country—that he can give no less than those rights and privileges which by the common law, as well as by the Act of Settlement, are declared to be "the birthright of every British subject"—that, accordingly, this had been invariably done in every acquisition of territory and dominion, particularly in the case of Ireland, of the counties palatine (Chester and Durham) of Wales, of Berwick upon Tweed, of Calais, of Jamaica, of New-York, of St. Christopher's, of Grenada, &c.—that the same was also promised to be done in the province of Quebec; and that by the proclamation of 1763, the faith of the crown was solemnly plighted to the settlers in that and the other new colonies, that their respective governors "shall summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government;" and, continues the proclamation, "we have also given power to the said governors, with the consent of our said councils, and the representatives of the people, so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances, for the public peace, welfare, and good government of our said colonies, and the people and inhabitants thereof, as near as may be agreeable to the laws of England, &c. and in the mean time, and until such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to our said colonies, may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England," for which purpose courts of justice were to be erected, &c. all which, lord Camden observed, had been done and fulfilled in every other province, excepting that of Quebec, to which many settlers had been allured by this proclamation, who, by a most disgraceful violation of the royal faith, were since, with the rest of that province, subjected to the civil laws of France, and to the despotism of a governor and a dependent council, instead of being allowed an assembly, and laws made by the representatives of the people, as they were solemnly promised. His lordship also represented, that the tyrannical government thus established, is considered as the most oppressive act of injustice by all the Protestant, and even by all the Popish inhabitants of Quebec, except the Romish clergy and French noblesse, who are willing to submit to a despotic government, for the sake of tyrannizing over the peasantry of Canada. He likewise observed, that the slavery imposed by the Act in question is so repugnant to the success of commerce, and abhorrent to the feelings of native British subjects, that if it be not soon repealed, both the former and latter will abandon that province.

His lordship having by these, and many other facts and arguments, proved the impolicy, injustice, tyranny, and iniquity of the Act in question, declared, that it deserved to be reprobated by the unanimous voice of parliament, and that it would necessarily receive the censure of their lordships, if there remained the smallest regard for liberty and the constitution in one part of the House, or for the Protestant religion in the other. His lordship concluded with offering the following Bill:

A BILL to repeal an Act made in the last session of the last Parliament, intituled, 'An Act for making more 'effectual provision for the govern-'ment of the province of Quebec, in 'North America.'

"Whereas an Act was passed in the last session of the last parliament, intituled, 'An Act for making more effectual provision for the government of the province of Quebec, in North America;'

"And whereas the said Act, contrary to the example of all former times, and to the faith of his Majesty's proclamation

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issued in the year 1763, has established an arbitrary government in the said province;

"And whereas the said Act, by permitting both the clergy and laity there to hold offices and benefices, without taking the oath of supremacy, and by granting to the Popish clergy in the said province, the enjoyment of their accustomed dues and rights, has entirely stopped the growth and propagation of the Protestant religion, and in the room thereof has established the religion of the church of Rome in the said province for ever;

"And whereas the said Act, by enlarging the boundaries of the said province, and making the legislature thereof co-extensive with the same, may put the Indian trade, among other things, under the sole management of that legislature, as in truth appears to be already done, by the instructions lately given to governor Carleton, by which that trade, which had before been freely carried on by all his Majesty's subjects in North America without restriction, is now to be confined to such regulations as the said legislature may think fit to impose upon it, and thereby the rights of his Majesty's other colonies unwarrantably abridged and invaded; and by a like extension of the said legislature, the said other colonies may come to be excluded from having any intercourse or correspondence whatsoever with the Indian nations of that vast continent, without the leave or permission of the said legislature, which would naturally give rise to unnatural divisions, and endless controversies between his Majesty's subjects of the old colonies, and the inhabitants of the new province of Quebec;

"May it therefore please your most excellent Majesty, That it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and the Commons in this present parliament assembled, and by the authority of the same, that from and after the first day of May, 1776, the above mentioned Act, and the several matters and things therein contained, shall be, and is, and are, hereby repealed and made void to all intents and purposes whatsoever."

This Bill being read, lord Camden acquainted the House, that he had delayed the proposed repeal until the 1st of May next, to the end that time might be obtained in the interval to provide a better plan of government for the province of Quebec.

The Earl of *Dartmouth* said, he should decline entering into a detailed view of the vast mass of matter which had been travelled over by the noble lord. He made the same objection to the mode of obtaining the petition, and the manner of presenting it, as earl Gower had done. He said, that the petition had been offered to be delivered to him so early as the 23rd or 24th of January; but, besides that his sentiments were clearly in favour of the Act, he could not with propriety receive any paper, importing to be a petition from the inhabitants of that province, unless it came through the channel of the governor and council. But, said his lordship, supposing that the petition had been fairly obtained, what does it literally or substantially import? Does it desire a repeal? Does it even hint at any such thing? How, then, can the noble and learned lord come upon the ground of this petition to parliament to desire a repeal, when the very utmost the petitioners themselves look for is, that they may have the benefit of the Habeas Corpus law, and the trial by jury? The former of which it is evident they are entitled to, by the laws of England, and the latter they now enjoy in all criminal matters. His lordship then read the address presented to governor Carleton from the French inhabitants on his arrival, and their address to the King, wherein they express their gratitude to his Majesty, for restoring them to their ancient rights and privileges. These, he insisted, were the most indubitable proofs, that the French Canadians were made happy by the change, and that by no one rule of good policy, justice, or a regard to public faith, could it be expected that nearly 100,000 peaceable loyal subjects should be rendered unhappy and miserable, purely to gratify the unreasonable request of two or three thousand persons, who wished for what was impracticable, and looked upon themselves deprived of what they were actually in possession of. On these grounds he moved for the rejection of the Bill.

The Duke of *Richmond* said, the present motion of repeal was not supported solely on the contents of the petition now presented, but on the idea that every noble lord had a right to propose an amendment, and move for a repeal of any law which they deemed impolitic or oppressive. His grace observed, that great industry had been used on a former occasion, and he made no doubt would be

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much resorted to, and great stress would be laid on the same mode of reasoning this day, that suppose the powers vested by the Act might, on account of giving the Canadians some civil constitution, suited to the immediate necessity of the case, somewhat exceed those modes of legislation and government usually exercised where no such necessity existed; yet the acknowledged disposition of those, to whom this power was delegated, removed the most distant jealousy or suspicion, that this trust would be abused. That this maxim, said his grace, applied directly, is certainly true in fact, though notoriously fallacious in every other respect by way of argument; for where would it lead us, but directly to the establishment of arbitrary power? I am confident, there is not a lord in this House, who has made politics his study, or has taken time to consider the different constitutions of government that have been framed and established, but will agree with me, that the true end of all civil regimen, is the happiness and prosperity of the governed; and that, consequently, the best government is that which is best exercised. But I trust there is not a noble lord, who will openly contend, that, because the person to whom the execution of the laws is entrusted, probably will employ the trust thus committed to his charge with fidelity, and a sacred regard for the interests of his people, that therefore they should, from their unbounded confidence in him, foolishly and blindly make a surrender of their rights and liberties; thinking his virtues and abilities transmissible and hereditary with his political office. To guard against this mistake, our constitution was first framed, and every one law enacted to secure to us the blessings we at present enjoy, is directed not to bind good princes, or direct wise ones, but to prevent weak or bad men from abusing that trust, necessary, from the nature of civil government, to be lodged somewhere. I will even come more immediately to the point before your lordships, to the personal character of the governor, who is charged with the execution of those monstrous arbitrary powers which are the subject of this day's debate. I do not, for my part, believe there is a more worthy or deserving man breathing. I know him well; I have, I may say, lived with him for several years, and I am convinced of his high integrity and eminent skill in his profession; but will it follow, that because I know general Carleton to be a man to whom I might safely trust every thing I hold dear and sacred, that therefore I must wish to trust the governor of Quebec, be he whom he may, with powers which, from their nature, if exercised at all, must be productive of oppression and injustice; and if badly exercised by any future governor who may happen to succeed him, may be turned into an engine of oppression and tyranny equal to those claimed by the most absolute despot on earth? His grace, besides his general argument, applied particularly to the bishops to rise and explain themselves on the article of religion; and whether they were of opinion that it was proper that Popery should be indulged with a legislative establishment in any part of the British empire?

Lord *Lyttelton*. My lords; the noble mover has told your lordships, that the Bill which passed last session for establishing a government in Canada, was a Bill, 'abhorrent to the British constitution, and that it ought to be repealed by the unanimous voice of this House.' I shall first put his lordship in mind, that this Bill was not made for the meridian of England; that it was framed for the conquered subjects of France, consonant to the faith of treaties, and to the stipulations agreed upon by the conqueror, which was part of the solemn pact, between Great Britain and France, covenanted for, and ratified by both nations at the conclusion of the war: and then, my lords, I will go a step further; I will meet the noble lord on his own ground; and will uphold that the general principles and policy of this Canada Bill were founded in wisdom—that the principles of it, which his lordship affirms to be repugnant to Christianity, emanated from the gospel, and are coeval with the religion of our Saviour—that they breathe forth the spirit of their divine master; for they are neither principles of popery, or servitude—they are principles, my lords, of toleration, unrestrained by prejudice, and unfettered by absurd and odious restrictions. The inhabitants of Canada were Catholics before they were conquered by England, they are Catholics now, but under the jurisdiction of a Protestant parliament, and under the cognizance of Protestant bishops, who form a part of that parliament, and who, I believe, were unanimous in allowing them the free exercise of their religion.—In regard to the policy of the Bill, I cannot but think it to be indisputably

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excellent, because it tends, by the beneficence of its aspect, to remove those rooted prejudices, which are carefully instilled into the minds of all the subjects of France, against the laws and the constitution of England.

This Bill, my lords, has more effectually opened their eyes, than the perusal of all our statute books; it has given them, with the mild code of our criminal law, a share of those blessings which we derive from freedom; it has abolished the torture; it has raised the people from the oppression and tyranny under which they crawled, and has perpetuated in their hearts that dominion, which has so recently been acquired by our arms. But, says the noble lord, (and here he seems to press on triumphantly his arguments) you have, by this Bill, affected the interests of commerce, those interests that ought to be most dear to Great Britain: they ought to be so indeed, my lords; and so far are those interests from being hurt, that it has been the chief purpose of the Bill to improve them: they have flourished under it, even beyond the most sanguine expectation; for, my lords, since the Non-Importation Agreement has been entered into by all the other provinces of America, who but the Canadians have opened a channel for British manufactures? Who but the Canadians have kept alive your drooping commerce, by taking prodigious quantities of goods from England, which by their spirit and diligence have, notwithstanding the unlawful combinations of the Americans, penetrated and pervaded every part of the continent? Notwithstanding the factious resolutions of the assemblies; notwithstanding the inflexible enmity of the congress, the Canadians have opened a way for the English trader: by their means he has found a passage into America for his various sorts of merchandize; they have been carried into all the provinces; they have even crossed over the peninsula of Boston. These, my lords, these are the consequences you have derived from this Canada Bill; reprobated, indeed, by the noble lord, but most cordially received by the loyal Canadians, who take every occasion to shew how sensible they are of its utility, and how desirous of testifying their gratitude.

But the noble and learned lord has not confined his opposition to the general principles and policy of this Act: he has, with the designing subtlety of a lawyer, attacked the law part of the Bill: he has told your lordships, that the intention of it was to throw an unlimited power into the hands of the crown; that the design was manifest, because they were denied the Habeas Corpus: he has assured you, that by excepting the Canadians from the salutary influence of this excellent provision made for the liberty of the subject, you have altered the tenor of that wholesome policy, which has always induced, and by law should always compel Great Britain to give to all conquered countries the full and perfect system of English freedom in return for their allegiance. The noble lord has instanced the case of Jamaica, of Barbadoes; but, above all, of Ireland. Has the noble lord forgot then that Ireland, though in possession of the criminal law of England, has not the Habeas Corpus Act? That Act, which is a special privilege monopolized by Great Britain, is not even extended to Ireland; but Ireland has what is in fact equivalent to it, and so has Canada. Would the noble lord then desire, that those new conquered subjects of England, against whom he shews such strong and irreconcilable hatred, should be indulged with a privilege which even liberty herself seems to be jealous of, and which has hitherto been denied to the loyal inhabitants of Ireland? My lords, he does desire it; he would do any thing to answer his purpose—to increase the storm—to perplex, to distress administration. Animated by these views, I am not surprised, that he hates the nobility of every country; they stand in his way. He would rub them out of his system of government. He has told your lordships that it is the noblesse, and the priests of Canada, that are only benefited by this Bill; and that it would be better for the province, if both prelates and nobility were whipt out of it: these are his lordship's sentiments; republican sentiments, my lords, which with less impropriety might have come from the mouth of a factious burgher of Geneva, but which are foreign from the genius of the British constitution. He concluded with calling upon administration to know what the Spaniards were about, affirming that the great armament fitting out in the Spanish ports could not be intended against the Moors.

The Duke of *Manchester* replied to the charges of faction thrown out by the last noble lord on opposition in general. He said, he often happened to differ from administration; but he had never till that day heard such difference of opinion di-

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rectly imputed as a crime, or branded with an indecent and ill-founded epithet.

The Earl of *Rochford.* As far as it may be consistent with the nature of my office, I will inform the House of what I know concerning the armament the noble lord speaks of. By the best accounts I have been able to collect, the armament consists of no more than 12 or 13 men of war of the line at most; what the inferior vessels of force, or the number of frigates may be, I cannot precisely say. I understand, the land forces, so far from being prepared to get aboard the transports, at a short warning, though they may amount to about 30,000 men, are composed partly of cavalry and guards, which can never be meant for a naval expedition. Whatever suspicions such appearances may create, I am to inform your lordships, that our minister at the court of Madrid has been instructed to press for explanations, and has received the strongest assurances, that nothing was intended against Great Britain or her allies. I cannot say that I have any great reliance on assurances in general; but yet ridiculous as it may appear to us, that the Spaniards should incur so immense an expence, in preparations for chastising the Moors; when their policy and religion are considered, and that the Moorish war is taken up on conscientious notions of religion, our wonder will in a great measure cease. Besides, there are many other motives which might probably induce Spain to arm at this time, without having any hostile intentions against this country. Sicily is disturbed by civil commotion, and threatened with latent discontents, which his Catholic majesty feels for, almost as much as if they were in his own kingdom. A kind of war actually subsists between Spain and Portugal in the Brazils. There is a revolt in Mexico, and the total silence of the consuls and the merchants, whose business it is to give information, join to strengthen me in the same opinion. The Portuguese envoy at this court seems perfectly undisturbed, and free from apprehensions of any invasion of his country; and that if he should be mistaken, and that those armaments are actually intended against Portugal, I shall, for my part, think Great Britain as much interested in the event, as if part of her own dominions were actually attacked.

The Earl of *Bristol.* I have not the least doubt, my lords, but the Spaniards have a very powerful naval armament in great forwardness for the sea; and though I cannot think, from the tonnage and construction of the transports, they are calculated to convey troops beyond the ocean, yet I must confess, Britain, however conscious she may be of her naval superiority, has just reason to be seriously alarmed. The noble earl speaks of insurrections in Mexico, of a kind of war at present subsisting between the subjects of his Catholic majesty and the Portuguese in the Brazils; and how deeply his Catholic majesty concerns himself in the latent discontents which threaten to disturb the kingdom of Sicily. I need not repeat again, that, in my opinion, this armament can never be intended to cross the ocean; neither do I think, if the transport service were calculated for that purpose, would it be at all necessary to collect such a strong military force, so near the water-side; and I beg leave to differ from his lordship, when he supposes they are scattered through the different provinces in cantonments; for if I be not misinformed, though they are not perhaps just ready to embark, they are nevertheless stationed in such a manner as to be drawn together at a very short warning. In such a state of uncertainty, if intended at all for actual service, it may be asked, whither are they destined? For my part, if I were to hazard a conjecture, I should be inclined to imagine for the coast of Africa, for Lisbon, or Gibraltar; and the more so, against either of the two latter, for the very reason the noble earl in office has assigned, that the land forces consisted in a good measure of cavalry, and the Spanish and Walloon guards, who never serve out of the kingdom, but who might, very consistently with their usual designation, either cooperate with a fleet in attacking Lisbon or Gibraltar. Every noble lord in this House, by consulting the situation of the rendezvous, and its vicinity to Gibraltar, may readily conclude with what facility the fleet and transports might turn down into Gibraltar bay. It is true, that Gibraltar is almost invulnerable on the land side, and that very strong defences and additional works have been within the three or four last years erected towards the sea. Yet, how much soever I may be inclined to depend on the bravery of the troops, and the ability of the officers in superior command, I would feel very sensibly for the fate of that fortress, if attacked, and if not quickly relieved by naval succours from England. I am cer-

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tain, before those additional works were raised, it could not hold out against a fleet of 17 ships of the line a single day; and even now it is possible it would be obliged to submit in a week, though it might hold out much longer. A great deal will however depend, should such a disagreeable event take place, on the present state of our navy. If we have a force equal, or superior to theirs, ready at a short notice, it is probable, the gallantry of the troops might be able to baffle every attempt of the assailants, till succours should arrive. The noble earl, at the head of the Admiralty, who has, much to his honour, done more than any man who has presided at that board for upwards of a century, can inform the House, whether or not a sufficient naval force could be made ready, so as to answer the necessity of so critical an emergency.

Lord *Lyttelton.* I did not press the noble earl in office to betray the secrets of it, nor divulge matters of state; I wished only to give his Majesty's ministers, if they thought proper, an opportunity of averting part of the censure which might be undeservedly thrown on them, in case an unexpected blow should happen to be struck, and prevent the fraud and imposition the people might be liable to from a few among them, perhaps, who might have better or earlier intelligence than the rest. I have, it is true, no great opinion of Spanish politics, yet I must abide by my former assertion, that I am convinced, however conscientious his Catholic majesty may be and desirous of propagating the Christian faith, and extirpating the enemies of the cross, his majesty, much less his ministers, would never put the nation to the enormous expence of the present armament, merely to make proselytes in the wilds and desarts of Africa. The Spanish cabinet is composed, like those of other princes, of men of different abilities and dispositions; and business is transacted in it, as it is in all others, where there is no prime minister, by a plurality of voices. I can never therefore, be persuaded to think, that a majority of men, trained up to public business, could ever be led to adopt so preposterous a measure. The noble earl in office seems to place too great a reliance on the positive assurances given by the Spanish court; and I will tell your lordships why I think so. It is because I am well informed; I know it to be the current language of the several branches of the House of Bourbon, that they do not look upon themselves bound to give us any previous information of their hostile intentions, either by declaration of war or otherwise, on account of our capture of the French ships before the commencement of the late war. On the whole, the noble earl who spoke last has put the matter upon the clearest and most incontrovertible footing, not upon the faith of Spanish assurance, or their ideas of political justice or injustice, but on what are our powers of immediate resistance, should such an attempt be made. I do therefore call upon the noble earl at the head of the Admiralty, to inform the House what force we have immediately ready to put to sea, should the first accounts from that quarter bring us intelligence, that Gibraltar was attacked by a Spanish fleet.

The Earl of *Sandwich.* The noble lord who spoke last, has called upon me particularly to come to certain explanations, which I do not by any means think myself obliged to give, nor his lordship authorised to ask. However, as the main part of his enquiry depends upon facts already sufficiently public, I can with propriety tell his lordship, that we have 17 sail of the line fit for immediate service; that the number of men wanting to complete the ships to their full complement is not more than 4,500; that by issuing press-warrants they might be readily procured in a week; and that the whole armament would be ready to proceed to sea within ten days. In a very little time we shall have 80 men of war of the line, with all the necessary stores for their equipment, ready, as occasion may require, to be drawn out into actual service; which is a force superior to any the united efforts of our enemies can possibly bring against us.

The Earl of *Bristol.* The noble earl has told us, that we have 17 sail of the line ready to proceed to sea at a few days notice: but I should be glad to know, in the event of Gibraltar being attacked with such a fleet as has been this day mentioned, whether his lordship is of opinion it would be prudent to send the whole force he speaks of to the immediate relief of that fortress.

The Earl of *Sandwich.* I can hardly think myself enabled, from my official situation, to answer the noble earl's question. That is a matter of state, not, in my opinion, at all connected with the immediate business of my department. If I was ordered to comply with such a requisition, I must certainly obey it, whatever might

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be my own private opinion, my sentiments in this House, or the arguments I might use elsewhere, when it came under deliberation as a matter of state. For instance, if I received directions to order out half the number, or the whole, or keep the fleet at home to defend our own coasts, the question would not turn on what I, in my official capacity, wished to do; but what the majority of his Majesty's servants had really decided. As to the force and the facility of sending it to sea, I need only appeal to the noble earl himself, to whom, in a great measure, the nation is obliged for that arrangement. When his lordship sat as a member at the board at which I have the honour to preside, I stood much indebted to him for his assistance in effectuating the plan, by which we are enabled, at all times, to have a fleet ready to put to sea on a few days notice, by converting the guardships, which formerly were almost totally useless, into vessels fit for immediate service; and though still I have his private assistance, I must confess I have great reason to regret his absence from that board.

The Archbishop of *Canterbury*, in answer to what had fallen from the two noble dukes, and the noble lord who presented the Bill, observed, that so far from the Protestant religion being totally neglected at Quebec, four clergymen of the church of England were actually established in that province, with a stipend of 200*l.* per annum each; that more would be appointed, as soon as the necessity of the case, or an increase of population, should require it; and denied that the Popish religion was established in Canada, or that it was possible for parliament to have acted otherwise, consistent with the faith of the capitulation, or the terms of the definitive treaty.

The Earl of *Shelburne*. It is with great reluctance that I presume to trouble your lordships on a subject which has been so ably and fully discussed by so many noble lords, much better informed and capable to decide on it. I cannot, however, be so entirely wanting in my duty as a member of this House, to pass over in total silence some things which have fallen in the course of this day's debate. A noble lord who spoke early, has said, that there are some present who regret the absence of a certain noble lord from his place (the earl of Chatham). If that be a crime, I am willing to share part of the imputation, for I own myself one of that number, though I by no means agree with his lordship in the motives he has assigned for that absence, nor in the supposed sentiments attributed by him to the noble earl respecting the Quebec Act. I am, on the contrary, convinced, that he would have been present in his place on this occasion, were it not for an accident; and so far from approving of the Bill in every other part but relative to the sedentary fishery, that from every thing I could learn then, and in every private conversation I have had the honour to have since had with him, I have found his sentiments to be for condemning the Bill *in toto*. I believe the noble lord has but a confused recollection of the true state of that matter, otherwise he must have remembered, that his lordship's supposed reconcilement to the Bill was no part of what he now alludes to, but that the very ministers themselves disapproved of divesting the commodore on the Newfoundland station of the controul over the fishery on the coast of Labrador. The other parts of the Bill having been already so fully discussed, I shall just crave your lordships' patient attention to a few words on the dangerous consequences which must flow from annexing this fishery to the province of Quebec, and taking it out of the superintendence and controul of the commander of his Majesty's ships of war on the Newfoundland station. By the Bills lately passed, it seems to be the professed policy of those in power to reserve the whole of the Newfoundland fishery for the benefit of the inhabitants of Great Britain and Ireland. I will say nothing of the immediate spirit which has given rise to this policy; but this I will venture to affirm, that not a single reason was adduced either from the evidence at your lordships' bar, or in the House, that did not directly apply to evince the supreme folly of annexing the Labrador fishery to the province of Quebec. It was both proved and pressed in argument, that the spirit of the Act of the 12th of William the 3rd should be strictly adhered to, that of preventing settlers, and making as many sailors as possible; in fine, strongly condemning the permission of a sedentary fishery. What was the evidence of a most able and experienced naval officer (sir Hugh Palliser) on that occasion? That the settlers had done every thing in their power to defeat the periodical fishery from Europe; that they destroyed their nets, seduced the men to run away and get over to the continent;

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and that they supplied the fishermen with French spirituous liquors and other French commodities. Now, my lords, I would submit, if there be any one lord in this House who will take upon him to affirm, that every one of those evils will not increase an hundred fold; or that we shall be able to prevent them on the coast of Labrador, where, if aggrieved, the party must go all the way to Quebec to seek redress against Frenchmen and French smuggling, when even numberless evils were, by the nature of the service, obliged to be left uncorrected, under almost the very eye of the commodore. The peltry, or skin trade, my lords, is a matter which I presume to affirm is of the last importance to the trade and commerce of the colonies and this country. The regulation of this business has cost his Majesty's ministers more time and trouble than any one matter I know of. The noble earl (of Hillsborough) it is true, differed from me among others of his Majesty's servants, on the regulating the trade with the Indians; but it was never so much as dreamt of, that the whole skin trade, from Hudson's Bay to the forks of the Mississippi, should be at once taken from the several American colonies, and transferred to the French Canadians; or, which is substantially the same thing, that by a royal instruction the sole direction of it should be vested in the governor of Quebec. For, I will be bold to contend, whatever colourable construction may be put on it, it will operate as a complete exclusion and total monopoly, so far as the Protestant British colonies can possibly be interested. However foreign the Spanish armaments may be to the subject of this debate, or irregular it may have seemed to introduce it in such a manner, I must confess myself very ready to dispense with mere forms, when matters of such singular importance so pressingly call for our most serious deliberation. I remember a few years since, that we were lulled into a security which must inevitably have proved fatal, but for the strange revolution which took place in the French cabinet, the dismission of that bold enterprizing minister Choiseul, who had planned the destruction of this country, in revenge for the disgraces France had suffered, and the repeated injuries, he imagined, she had received in the course of a long, glorious, and successful war carried on by Great Britain. I will not pretend to dive into the secrets of cabinets farther than I am well warranted, or presume to point out the persuasive arguments employed to bring over the woman to whose influence this unexpected turn of affairs is attributed; but this I will venture to assert, because I have the proofs in my power, that Gibraltar, Minorca, Jamaica, and the greater part of our possessions in the East and West Indies, would have been among some of the first sacrifices that would have fallen; had it not, I may say, been for the miraculous interposition of Providence in our favour. We were, then, not a whit less consistent than we are now; though we had not a single line of battle ship fit for actual service. I trust, however fashionable it may be to hold the same language at present, we should not again trust to the chapter of accidents, but that we will make an enquiry into the true state of our navy, as well as the conduct of the persons to whose care it has been entrusted; and whenever that day shall come, I pledge myself to your lordships, that I will take an active and decided part in bringing to condemnation such as have been wanting in their duty. Two things have come out in the debate, which I cannot bring myself to subscribe to; one is, that the Spaniards are not to be depended on; and that the language of the House of Bourbon is justifiable, because we took their ships before a declaration of war. On the former I shall only observe, that I presume the Spaniards, in their public transactions, have as much honour as any other nation; and that though I was but a child at the time, by the best and most impartial account I have read on that affair, I never could discover but Great Britain was fully justified in her conduct on that occasion. I shall trouble your lordships with but one observation more, relative to the determined pacific system of the court of Versailles, so confidently set forth and relied on by the first noble earl in office who spoke in this debate; and I trust your lordships will think it fully in point, should the court of Spain, by their conduct, create the occasion. In 1741, in the second or third year of the Spanish war, during the ministry of cardinal Fleury, a man of the most pacific dispositions that ever directed the councils of France, lord Waldegrave being then our ambassador at Paris, frequently pressed his eminency relative to an armament then fitting out at Brest, to know its destination, or whether particularly it was meant to join and co-operate with the Spanish fleet. The car-

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dinal always assured him, in the fullest and most explicit terms, that France was resolved to take no part whatever in the quarrel subsisting between the two crowns. His lordship, however, went out one day, and heard it publicly asserted in the streets, that the fleet had sailed from Brest, and were destined to reinforce the Spanish fleet, then cruizing in the Mediterranean; on which he immediately repaired to the cardinal to upbraid him with his breach of promise, if the fact should turn out to be true. "You were not misinformed, my lord," replied the cardinal, "the fleet is actually sailed, and for the purpose you heard. I confess, likewise, that I had frequently solemnly assured you of the contrary; and I further own, that Spain is entirely in the wrong, and that it is perhaps neither prudent or politic in us to take part in their business; but I would wish you, my lord, at the same time to perfectly understand, though we do not approve of the motives of their going to war, and will always carefully avoid to encourage them in their broils in the first instance, when engaged for any time, we can never submit to remain inactive spectators of their ruin, and your consequent aggrandizement."

Lord *Mansfield* rose to defend the general principles of the Bill, and to reply to the objections urged by those who were in favour of the repeal. His lordship, though he did not directly own the sentiments imputed to him, containing certain doctrines in law and politics, said to have been maintained by him in giving judgment in the cause of Campbell against the Receiver General of Grenada, relative to the 4½ per cent. duties claimed by the King on the exported produce of that island, virtually proved, nevertheless, that the sentiments were not without foundation, because he endeavoured to defend every single proposition they contained.

Lord *Camden* went over the same ground again, by either maintaining his former positions, illustrating the facts on which they were built, or replying to every answer that had in the course of the debate been attempted to be made to his original objections, and at the conclusion claimed the victory, in reference to those objectionable doctrines adverted to; observing, that the learned lord (Mansfield) had deserted the main proposition, on which all the others rested; namely, that the king coming in as a conqueror, could give the conquered any constitution he pleased; or, if the new subjects claimed the benefit of capitulation or cession, the king might, at his option, stand in the place of the former prince; whereas the learned lord was now obliged to confess, contrary to his former opinion, that a king of England could not in any circumstances, or coming in under any title, exercise an arbitrary power, or reign over any of the subjects of the British empire in a despotic manner, against the spirit of the constitution.

This law contest lasted near two hours; but lord Camden having in reply to something lord Manfield said, such as that some constitution was better than none, pledged himself to produce a better in twenty-four, or even twelve hours; the earl of Denbigh demanded, why the learned lord had not produced one before.

The question being put, on the earl of Dartmouth's motion to reject the proposed Bill, the House divided. Contents, 38; Non-contents, 28.

List of the Minority.

DUKES.	Radnor
Gloucester	Effingham
Cumberland	Spencer
Richmond	BISHOP.
Manchester	Exeter
MARQUIS.	LORDS.
Rockingham	Craven
EARLS.	Ponsonby
Abingdon	Ravensworth
Scarborough	Archer
Stanhope	Wycombe
Cholmondeley	Beaulieu
Fitzwilliam	Camden.

Proxies.

DUKES.	VISCOUNT.
Devonshire	Torrington
Portland	BISHOP.
EARLS.	St. Asaph
Stamford	LORD.
Tankerville	King.

Debate in the Commons on the Bill to repeal the Quebec Government Act.] May 18. Sir George Savile presented the following Petition.

"To the Honourable the Commons of Great Britain in Parliament assembled."

"The Humble Petition and Memorial of his Majesty's ancient subjects the Seigneurs, Freeholders, Merchants, Traders, and others settled in his Majesty's province of Quebec,

"Sheweth,

"That, under the sanction of his Ma-

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jesty's royal proclamation, bearing date the 7th of October, 1763, which graciously promises to all persons inhabiting in, or resorting to, this province, his royal protection for the enjoyment of the benefit of the laws of the realm of England, until assemblies should be called therein, they did come and settle themselves in this province, having entrusted their own properties, as well as very considerable sums of their friends, in goods and merchandize from Great Britain, and entrusted the same into the hands of the Canadians, as well for the purpose of internal trade in the province, as for outsets in carrying on the traffic of furs and peltries in the Indian countries and fisheries below Quebec, many of them having purchased lands and houses, and been employed in agriculture, and the exportation of grain and other produce to foreign markets, to the great benefit and emolument of the said province, which has flourished chiefly by the industry and enterprising spirit of the said subjects, who under the protection of British laws, and by the assistance of annual supplies of British manufactures, and other goods and merchandize obtained upon credit from the merchants of Great Britain, have been enabled to carry on at least four parts in five of all the imports and exports which are principally made in British bottoms, the latter consisting of furs, peltries, wheat, fish, oil, pot-ash, lumber, and other country produce: and for the more convenient carrying on the said trade and commerce, they have built wharfs and store-houses at a very great expence, insomuch that the property real and personal, now in British hands, or by them entrusted to Canadians at a long credit, is one half of the whole value of the province, exclusive of the wealth of the different communities; which your petitioners have in part set forth in the humble Petition to his most excellent Majesty, dated at Quebec the 31st of December, 1773, humbly praying, that he would be graciously pleased to require his governor or commander in chief, to call a general assembly, in such manner, and of such constitution and form, as to his Majesty's royal wisdom should seem best adapted to secure the peace, welfare, and good government of this province. Wherefore with deep concern they observe, that in certain examinations taken before your honourable House, the British subjects here have been grossly abused and misrepresented, as well as to their numbers as in their importance in this province. For the number of the new subjects has, we humbly conceive, been greatly exaggerated, it being, by the last computation, about 75,000; whereas, by an enumeration of the British subjects, they amount at this time to upwards of 3,000 souls, besides many that we cannot immediately ascertain, that are dispersed in the Indian countries carrying on traffic with the savages, besides the merchants and traders with their families settled at Detroit and its dependencies, and at the fisheries below Quebec. And whereas an act of parliament has lately passed, intituled, 'An Act for the making more effectual provision for the government of the province of Quebec in North-America,' which is said to have been passed upon the principles of humanity and justice, and at the pressing instance and request of the new subjects, signified to his Majesty by an humble petition setting forth their dislike to the British laws and form of government, and praying, in the name of all the inhabitants and citizens of the province, to have the French institutes in their stead, and a total abolition of trials by jury, together with a capacity of holding places of honour and trust in common with his Majesty's ancient subjects. We crave leave to inform your honourable House, that the said Petition was never imparted to the inhabitants in general, (that is) the freeholders, merchants and traders, who are equally alarmed with us at the Canadian laws being to take place, but was in a secret manner carried about and signed by a few of the seigneurs, chevaliers, advocates, and others in their confidence, at the suggestions, and under the influence of their priests; who under colour of French laws, have obtained an act of parliament which deprives his Majesty's ancient subjects of all their rights and franchises, destroys the Habeas Corpus Act, and the inestimable privileges of trial by juries, the only security against the venality of a corrupt judge, and gives unlimited power to the governor and council to alter the criminal laws; which Act has already struck a damp upon the credit of the country, and alarmed all your humble petitioners with the just apprehensions of arbitrary fines and imprisonment, and which, if it takes place, will oblige them to quit the province, or, in the end, it must accomplish their ruin, and impoverish or hurt their generous creditors, the merchants in Great Britain, &c. To prevent which, your petitioners most humbly pray,

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that the said Act may be repealed or amended, and that they may have the benefit and protection of the English laws, in so far as relates to personal property; and that their liberty may be ascertained according to their ancient constitutional rights and privileges heretofore granted to all his Majesty's dutiful subjects throughout the British empire. And your petitioners, as in duty bound, will ever pray. Quebec, 12th Nov. 1774." [Signed by the Quebec committee, the Montreal committee, and others. In all, 180 persons.]

Sir *George Savile* took a retrospect of the Quebec Act: said the prayer of the petition, relative to the Habeas Corpus Act, was not a matter involved in nice distinctions of law, or to be fathomed and decided by the rules of deep political investigation; it was an alternative which struck with equal force the meanest as the most enlightened understanding; it was simply whether people would wish to be freemen or slaves, under a government which if honestly or wisely administered, held out freedom indiscriminately to every individual entitled to its protection. And he would be bold to maintain, that the proposition in favour of an Habeas Corpus law was so self-evident, and carried with it such intuitive, forcible conviction, that the English, French, Popish, and Protestant, whites, blacks, tawnies, nay the very beasts of the fields, and reptiles crawling on the earth, were they capable of distinguishing between the value of personal liberty, and being shut up in a prison, at the will of a tyrant, would unite in one voice, in crying out for the enjoyment of so inestimable a blessing as the Habeas Corpus Act. He turned to the ministry, observing with indignation, the mean subterfuges they were driven to, when they endeavoured to persuade parliament, that a governor who was obliged literally to comply with his instructions, assisted by five Popish counsellors, would do what they (the ministry) did not think fit to let parliament do. He said, he was informed that orders had been given to raise a Canadian regiment of French Papists. When those guardians of the laws of England, and the Protestant religion, are embodied, where will they march? or for what service are they destined? Not, I hope, to quell the Protestant peaceable settlers, nor yet the still more favoured and loyal French Papists; but to sit, I presume, mere inactive spectators. No, that I cannot believe. I am not lawyer enough to point out how far they might legally march, but were I to form any conjecture about the limits they would set to themselves with arms in their hands, and the instant they would forbear to act, I should presume that the limits would be some river or lake, over which they had no means of conveyance, and the instant they would cease to act in a military manner would be, when all their powder, ball and ammunition were spent. I am, therefore, strongly against raising or embodying any regiment of French Papists. He concluded with moving the repeal of the Act for making provision for the better government of the province of Quebec.

Mr. *T. Townshend* seconded the motion, and condemned the Bill throughout, as unjust, impolitic, and unconstitutional. He said, the Canadians themselves had been deceived, as they were assured they should have the benefit of an assembly, the Habeas Corpus Act, and trial by jury.

Mr. *De Grey* entered into a view of the state of the colony before the passing of the Bill, destitute of all law, order, or security, in point of property; and insisted that the present government, however exceptionable in some respects, was better than none, and ought to be continued till the province was prepared to receive an assembly.

Mr. *Howard* spoke warmly against the Act. It was brought in at the end of the last session, when the House had not the information it now possessed; he was against it then, and should ever continue to be so, as a disgrace to the statutes. He was severe on Dr. Shebbeare, whom he represented as pensioned for vilifying the characters of king William and queen Mary and the late king, and writing against the Revolution.

Lord *North* said, if the hon. gentleman who made the motion, had been informed of what had passed in the other House the preceding day, he presumed, he never would have made it, as he knew no Bill could pass without the consent of the Lords. [Mr. T. Townshend cried "to order, to order," and it was instantly echoed from almost every part of the House. His lordship insisted what he said was not disorderly.] For his part, his opinion, in regard to the Act, was the same as it was when it passed, and as well now as then he looked upon the Act to be built on principles of the most just and sound policy. He avowed the intention

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of arming the Canadians. He said, he stood up in his place to assert, that if the refractory colonies cannot be reduced to obedience by the present force, he should think it a necessary measure to arm the Roman Catholics of Canada, and to employ them in that service. He further observed, that when Great Britain and America were contending about sovereignty, if any colony had discovered a proper sense of duty, and united itself in principle with this country, it was liable to objection from the gentlemen on the other side; but if it joined the other colonies against the legislature (for the quarrel was not with the ministry but the parliament) those gentlemen would, he could venture to affirm, hold a different language; and declared, whatever others might think on the subject, he did not approve of juries in civil cases. However, he would venture to affirm, the dispute with America was not so alarming as some people apprehended: he had not the least doubt it would end speedily, happily, and without bloodshed.

Mr. *Fox*, alluding to lord North's observation, that the Bill originated in the Lords, observed, that this construction or apology arose, because his lordship did not chuse to own who was the real planner of it; that withholding from the Canadians an assembly, and putting arms in their hands, shewed he was more afraid of their tongues than their swords; and that after eleven years shameful neglect and procrastination, he was convinced, if the disputes had not arisen with our American colonies, the Act of last year would never have been thought of; but the colony left without law or any political regulation whatever.

Sir *Robert Smyth*. Not having had the honour of a seat in the last parliament, and never before this day an opportunity of publicly declaring my sentiments upon this Bill, I am in some measure indebted to my hon. friend who has given me that opportunity by the proposition of to-day. However great my opinion may be of the abilities and integrity of my worthy friend, however high my esteem for his private, as well as his parliamentary character, however just my respect for his abilities, or my deference for his judgment, I find myself obliged, upon many occasions, to differ from him upon public questions; such I confess is the case with respect to the present proposition. I do not mean to enter into the detail of this argument, which has been very ably and minutely discussed, but shall content myself with giving my general reasons why I approve of this Bill.—When the glory of our arms had extended into almost every part of the globe, and a very considerable addition of territory acquired by war became confirmed to us by the subsequent treaty of peace, it was the duty of a wise, as well as a warlike nation, that what had been acquired by conquest, should be established by proper and wholesome regulations: what had been the object of our ambition to conquer, necessarily became the object of our policy to arrange. The province of Canada, the most extensive as well as the most valuable of our acquisitions, was in such a state of confusion at the expiration of the war, that it has been the object of successive administrations for these ten years past, to give it a permanent system of jurisprudence. But the fluctuating state of our politics, the rapid changes of measures, and the precarious tenure by which ministers held their employment, made them more anxious about preserving their own power at home, than forming establishments for our distant provinces abroad.—The very great disproportion between the Canadian and British subjects, as was proved at your bar, made it an object of justice as well as of sound policy, that the Canadian laws should form the basis of your system, and that the English laws should only be adopted in criminal cases, where trial by jury gives them an advantage over every other system that ever was instituted. Whoever reflects upon the excellencies of the British laws, whoever considers them in theory, or sees the daily advantages of them in practice, whoever justly admires them for their peculiar lenity, moderation, equity, and impartiality, would wish to see them extended over the whole face of the British empire; but if there are local and circumstantial reasons, arising from the national character of the people, their language, customs, usages, institutions, and I will even add, their prejudices, which in this case ought to be consulted, and not only consulted, but in some measure indulged; if there are reasons arising from these various circumstances, that make it impossible for the English laws to be adopted in their original purity, I will venture to affirm, that a legislator is not only justified, but that it is an essential part of his duty, so to alter and modify these laws, as may best adapt them to the peculiar genius and

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temper of the people, so as to become the best rule of civil conduct possible, and the best calculated to promote their general happiness. It was ever the maxim of the greatest legislators of antiquity, to consult the manners and dispositions of the people, and the degrees of improvement they had then received, and to frame such a system of laws as was best suited to their then immediate situation. Thus, Sir, when Lycurgus was reproached with not having given to the Spartans the most perfect code of laws, he acknowledged they were not the best he was capable of giving them, but the best they were then capable of receiving. Therefore, Sir, I shall content myself with dissenting from the present motion, and supporting the Quebec Bill upon grounds, and from reasons, founded upon the general principles of the fitness, policy, expediency and necessity of the measure.

Colonel *Barré*, after complimenting sir Robert Smyth on his great powers of eloquence, assured him, if he had heard the evidence at the bar last year, he would have been of another way of thinking. He sported a good deal with the Comptroller's white wand, and was called to order.

Sir *W. Meredith* observed, that whatever magic power it might contain, it was no weapon of defence.

Colonel *Barré* said, he might have been disorderly, but desired, for his own justification, and the satisfaction of the House, if there was any standing order of the House respecting the Comptroller and his wand, that it might be read, otherwise he should look upon himself at liberty to allude to Mr. Comptroller and his wand as often as either came in the way; for if they did not contain any great store of wit themselves, they at least bore a strong resemblance to another well known facetious knight, they were the occasion of producing it in others. He said, that in the discussion of the Quebec Bill last year, he had often asked who was the father of it, but could never receive any satisfactory answer till this day, when the noble lord's speech, and that irresistible partiality parents are known to have for their own offspring, gave him reason to believe that the noble lord himself was the true father of that monstrous production of tyranny, injustice, and arbitrary power. He next took notice of the Spanish armament; said he supposed the conquest of Gibraltar was what they had in contemplation; that he advised the noble lord last year to order some additional works towards the sea, as the only place in which it was vulnerable; but it was now too late, for if the Spaniards attacked it with a fleet, the fate of it must be decided in spite of all the possible assistance Britain could give it.

The House divided. The Yeas went forth.

Tellers.

Yeas	Mr. T. Townshend Mr. Byng	86
Noes	Mr. C. Townshend Mr. Cooper	174

So it passed in the negative.

Debate in the Lords on the Memorial of the General Assembly of New York.] May 18. The Duke of Manchester presented a Memorial from the Assembly at New York, and moved that it be read.

The Earl of *Dartmouth* observed, that it was usual for a lord, when he presented a petition, to state the subject of it, in order for the House to have an idea how far it was proper to give leave for it to be read.

The Duke of *Manchester* replied, that he could not take upon him to state the matter of the Petition without doing injustice to it; but, in general, it was to complain of grievances; and read the concluding words.

The Earl of *Buckinghamshire* said, it ought certainly to be opened more fully; and desired to know if it did not contain matter derogatory to the supreme legislative power of Great Britain.

The Earl of *Denbigh* observed, that the title of the paper rendered it inadmissible. It was called a memorial: now, memorials are presented from one crowned head to another; but as to a memorial from an American assembly, it was unheard of, and ought not to be read.

Earl *Gower* added, that the title given to the paper was suspicious: a petition from the same assembly had been presented to the King, the colonies not denying the supreme rights of his Majesty; a remonstrance to the Commons, and now a memorial to the Lords. They dropt the usual word petition, lest from that it should be imagined that they acknowledged the supreme power of those branches of the legislature; upon this account therefore the contents of it ought to be opened to the House.

The Duke of *Manchester* replied, that

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if the House insisted on his performing the office of clerk he would submit; but till then he should decline reading it; and as to opening the subject of it he had done it already.

The Earl of *Hillsborough* said, that the orders of the House were not to be dispensed with; a lord was not allowed to present a petition unless he opened the purport of it; that the noble duke reading it in his place, as a part of his speech, would be accepted by the House; or if the duke thought that it would be too great a burden for him to read it himself, then the clerk might stand by his grace, and read the memorial as a part of his speech.

The Duke of *Richmond* ridiculed this idea. What, my lords, the clerk go and stand by a lord and read a paper, as a part of that lord's speech! Very pretty truly! Why then we need not any of us be at the trouble of making speeches; we need only get our speeches written for us, and have the clerk read them; we may then any of us prove as eloquent as the noble earl himself. Objections have been made to the term Memorial, as if belonging to sovereigns, and denying our rights: that is very strange, surely; when it is well known every ensign in the army who has objections to the treatment he receives, has the right of presenting a memorial to the King; I think, therefore, there is nothing in the term derogatory to the dignity of this House.

The Earl of *Sandwich* contended, that the noble duke had been repeatedly called on to open the contents of the Memorial, but would not comply; for as to telling the House merely it was a complaint of grievances, that was not satisfactory; as this was the case, he moved an amendment, by adding the words, "the contents of which have not been opened."

The Duke of *Richmond* observed, that this amendment threw a reflection on the noble duke who brought in the Memorial, which would be highly unjust: that in his opinion the contents had been opened; that is, the principal part of the Memorial, the prayer of it, which was, for a redress of grievances; therefore, if the amendment was accepted, he must move another to do justice to the noble duke, by an explanation of how far he had opened it; and moved to add the concluding words of the Memorial which the duke of Manchester had read.

Earl *Gower* said, that the noble mover had not opened the contents; for merely saying it was for a redress of grievances, and reading the concluding words, was saying nothing, unless he mentioned what those grievances were: a friend of the House of Stuart might petition for the redress of a grievance, and that grievance might be the want of the throne; thus, if the particulars are not mentioned, we can judge of nothing.

Lord *Camden* stated the great injustice of not allowing a lord to open the contents of a petition in any way he thought proper; there could be but two ways, one forcing him to read the whole, which was a drudgery they could not think of; the other, touching the heads of it: now, if a lord is to open the contents particularly, and upon that opening the fate of the petition is to depend, then it must depend upon the capacity and abilities of the individual who does it, which would be throwing a negative upon petitions in general. But he was so great a friend to petitions being received and read, let them come from whom they might and under whatever name, that throwing these obstructions upon them must be very mischievous.

Lord *Mansfield* attempted to shew that a lord must open the contents of a petition, and that the duke had not done it.

The Earl of *Shelburne* reminded the House, that when the city of London presented their Remonstrance to the King, lawyers were consulted upon the legality of not receiving it; yet so highly was the right of a subject to petition thought of, that it was determined it must be received, under whatever name.

The Earl of *Effingham*. The turn which this debate has taken, makes it unnecessary for me to remark on any thing which in the course of it has fallen from any noble lord; but as I wish to call your lordships' attention rather to the subject matter, than to the form and manner of the paper offered to you, I hope I shall stand excused, if I treat the latter as trifling, when put in competition with the salutary or dreadful effects of admitting or rejecting the means now in your hands, of restoring harmony to this distracted empire. What may be the fate of the amendment proposed, I know not; but I fear it is too easily to be guessed, from the complexion of the House, what will be that of the Memorial. I confess I wish to avoid the discussion of our right to such a power as we are

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contending for; that is to say, a power of taxing a set of subjects who are not represented among us, and who have full power to tax themselves in the ordinary and constitutional manner. Were any particular province, among the Americans, to refuse grants of money in proportion to others, or to commit any act in abuse of their charters, I think that supreme controuling power, which the province in question allows in its full extent, would give us the charge, 'Ne quid detrimenti, res capiat publica.' And in that case, my lords, almost the whole empire would be united against the wrong-headed few, who would be soon brought to reason. But I am satisfied, that without such necessity, we have no more right to exercise the power of taxation in that country, than a Roman dictator had to begin his office with a declaration, that his power should be perpetual, and was necessary in the ordinary business of government. Therefore, my lords, whatever has been done by the Americans, I must deem the mere consequence of our unjust demands. They have come to you with fair arguments, you have refused to hear them; they make the most respectful remonstrances, you answer them with bills of pains and penalties; they know they ought to be free, you tell them they shall be slaves. Is it then a wonder, if they say in despair, "for the short remainder of our lives, we will be free!" Is there one among your lordships, who in a situation similar to that which I have described, would not resolve the same? If there could be such a one, I am sure he ought not to be here. To bring the history down to the present scene. Here are two armies in presence of each other; armies of brothers and countrymen; each dreading the event, yet each feeling, that it is in the power of the most trifling accident, a private dispute, a drunken fray in any public house in Boston; in short, a nothing, to cause the sword to be drawn, and to plunge the whole country into all the horrors of blood, flames and parricide. In this dreadful moment, a set of men more wise and moderate than the rest, exert themselves to bring us all to reason. They state their claims and their grievances; nay, if any thing can be proved by law and history, they prove them. They propose oblivion, they make the first concessions; we treat them with contempt, we prefer poverty, blood, and servitude, to wealth, happiness, and liberty. My lords, I should think myself guilty of offering an insult to your lordships, if I presumed to suppose there was any amongst you who could think of what was expedient, when once it appeared what was just. I might otherwise have adverted to the very formidable armament preparing by Spain; but as that argument ought to have no consideration with your lordships, I shall not suppose it would have any; and for that reason will entirely reject it. What weight these few observations may have, I do not know; but the candour your lordships have indulged me with, requires a confession on my part which may still lessen that weight. I must own I am not personally disinterested. Ever since I was of an age to have any ambition at all, my highest has been to serve my country in a military capacity. If there was on earth an event I dreaded, it was to see this country so situated as to make that profession incompatible with my duty as a citizen. That period is, in my opinion, arrived; and I have thought myself bound to relinquish the hopes I had formed, by a resignation* which appeared to me the only method of avoiding the guilt of enslaving my country, and embruing my hands in the blood of her sons. When the duties of a soldier and a citizen become inconsistent, I shall always think myself obliged to sink the character of the soldier in that of the citizen, till such time as those duties shall again, by the malice of our real enemies, become united. It is no small sacrifice which a man makes who gives up his profession; but it is a much greater, when a predilection, strengthened by habit, has given him so strong an attachment to his profession as I feel. I have, however, this one consolation, that by making that sacrifice, I at least give to my country an unequivocal proof of the sincerity of my principles.

The House then divided; For reading the Memorial, 25; Against it, 45.

* The Earl of Effingham was bred to arms, and from an eager desire to become a practical soldier, served as a volunteer in the Russian army, during the war with the Porte. The twenty-second regiment of foot, in which he held a captain's commission, being ordered to America, he resolved, though not possessed of an ample patrimony, to resign a darling profession, and all hopes of advancement, rather than bear arms in a cause he did not approve. The cities of London and Dublin voted him their thanks for this conduct.

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The following is a copy of the Memorial:

"To the Right Honourable the Lords Spiritual and Temporal of Great Britain, in Parliament assembled.

"The Memorial of his Majesty's faithful subjects and representatives of the Colony of New York, in general Assembly convened.

"May it please your Lordships,

"We his Majesty's most dutiful and loyal subjects, the representatives of the colony of New York, in general assembly convened, are conscious, when we address your lordships, that we are applying to a body who have ever been distinguished for the firmest attachment to the principles of liberty, and that happiest result of them, the British constitution.

"We acknowledge ourselves, and the people we represent, strictly bound by the ties of faith and allegiance to our most gracious sovereign, that we justly owe the same faith and allegiance as are due to him from his subjects in Great Britain, that we regard him with the utmost veneration, and that we shall be ever ready to contribute to his service, and to support the dignity of his crown and government.

"We esteem ourselves happy in our connection with the parent state, whose true interests are inseparably united with our own; and we are fully sensible, that none but the enemies of both countries could ever wish to disjoin them.

"Impressed with these sentiments, we consider ourselves as parts of one great empire, in which it is necessary there should be some supreme regulating power. But though we acknowledge the existence of such power, yet we conceive it by no means comprehends a right of binding us in all cases whatsoever, because a power of so unbounded an extent, would totally deprive us of security, and reduce us to a state of the most abject servitude.

"The colonies, as your lordships know, were not in contemplation when the forms of the British constitution were established; it followed, therefore, from its principles, when colonization took place, that the colonists carried with them all the rights they were entitled to in the country from which they emigrated; but as, from their local circumstances, they were precluded from sharing in the representation in that legislature in which they had been represented, they of right claimed, and enjoyed a legislature of their own, always acknowledging the king, or his representative, as one branch thereof. This right they have pointedly, repeatedly, and zealously asserted, as what only could afford them that security which their fellow subjects in Great Britain enjoy under a constitution, at once the envy and admiration of surrounding nations, because no money can be raised upon the subject of Great Britain, nor any law made that is binding on him, without the concurrence of those who have been elected by the people to represent them.

"For what happiness can the colonies expect, if their lives and properties are at the absolute disposal of others? And that power which, when restrained within its just bounds, would dispense light and heat to the whole empire, may be employed like a devouring flame, to consume and destroy them.

"Your lordships will excuse, nay, we doubt not will commend us, for speaking at this important juncture with the freedom becoming the representatives of a free people, when addressing ourselves to this most illustrious body.

"We therefore beg leave, on this occasion, to declare we conceive the people of the colonies entitled to equal rights and privileges with their fellow subjects in Great Britain; and that upon these principles it is a grievance of a most alarming nature, that the parliament of Great Britain should claim a right to enact laws, binding the colonies in all cases whatsoever.

"Incompatible as this claim is with the very idea of freedom, your lordships cannot wonder that the colonies should express an invincible repugnance to it. Absolute and uncontrolable power in any man, or body of men, necessarily implies absolute slavery in those who are subject to it; even should such a power not be carried into execution, yet let it be remembered, that the liberties of an Englishman are his rights, and that freedom consists not in a mere exemption from oppression, but in a right to such exemption founded on law and the principles of the constitution.

"But your lordships cannot be ignorant that this claim has been exercised in such a manner as to give the colonists the utmost uneasiness, and the most unexceptionable grounds of complaint.

"Duties for the express purpose of raising a revenue in America, have been imposed upon several articles imported directly from Great Britain, or the British

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colonies, and on foreign wines, an article which does not in the least interfere with the products of Great Britain, nor any of its colonies.

"The jurisdiction of the Admiralty courts has been extended beyond its ancient limits; the judges of those courts invested with new and unconstitutional powers; the subjects in America, in many cases, divested of that invaluable privilege, a trial by jury, and a discrimination highly injurious held up between us and our fellow subjects in Great Britain.

"Acts have been passed for the purpose of suspending the legislature of this colony from the exercise of its constitutional powers, till it should comply with requisitions which it had before judged improper, and laying an unreasonable restraint upon us with respect to the emission of paper currency to be a legal tender within the colony.

"Officers employed in the administration of justice, have been rendered independent of the people with respect both to their salaries and the tenure of their commissions, whereby they are freed from those checks to which, as servants of the public, they ought to be subject, although the representatives of the people have ever been ready, and now declare their willingness to make suitable provision for their support.

"New and unconstitutional Acts have been passed, and constructions made of an old one, by which the American subject is directed to be tried for offences, either real or supposed, not in the place where the fact was committed, where his witnesses reside, and their characters are known, but in a strange country, where his witnesses may not attend, and where their credibility cannot be ascertained.

"We are extremely unhappy that occasion has been given us to add to the catalogue of our grievances, the laws enacted in the last session of the late parliament, for shutting up the port of Boston, for altering the government of the Massachuset's Bay, and for the impartial administration of justice, in certain cases, in that province.

"Although it is not our intention to enter into a justification of the measures which occasioned those Acts, or to intimate an approbation of the mode pursued for redressing the grievances of which they have been productive, yet we cannot help viewing them as forming precedents of so dangerous a nature, as must render the privileges, the property, and even the lives of all his Majesty's American subjects precarious and insecure.

"By other Acts of the same session, the bounds of the province of Quebec are considerably extended; the Roman Catholic religion may be construed to be established throughout that province; and such regulations are enacted respecting its trade, as not only hold up a discrimination between the continental, and other colonies, injurious to the former, but in the establishment of the port of entry, cannot fail totally to deprive this colony of an extensive and important commerce, which it formerly carried on with the native Indian inhabitants of that vast track of country, now included within the bounds of that government.

"These are the principal grievances under which our constituents at present labour; but though we conceive it our duty thus fully to lay them before your lordships, we beg leave to assure you, that we shall always cheerfully submit to the constitutional exercise of the supreme regulating power lodged in the King, Lords, and Commons of Great Britain, and to all Acts calculated for the general weal of the empire, and the due regulation of the trade and commerce thereof.

"We conceive this power includes a right to lay duties upon all articles imported directly into the colonies from any foreign country or plantation which may interfere with products and manufactures of Great Britain, or any other part of his Majesty's dominions; but that is essential to freedom, and the undoubted rights of our constituents, that no taxes be imposed on them but with their consent given personally, or by their lawful representatives.

"Whilst, therefore, we entertain such dispositions of obedience to the lawful powers of government, of allegiance to our most gracious sovereign, and attachment to the parent country; we humbly hope that your lordships will aid and concur in redressing our grievances, removing all cause of dissention with Great Britain, and establishing our rights and privileges upon a solid and lasting foundation. And your memorialists shall ever pray. By order of the General Assembly.

"JOHN CRUGER, Speaker."

"Assembly-chamber, city of New York, 25th day of March, 1775."

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The Speaker's Speech to the King on presenting the Money Bills.] May 26. The King being come to the House of Peers, to put an end to the session, sent for the Commons: the Speaker, with the House, went up, and previous to the royal assent being given to the Bills which were ready,

The *Speaker* delivered himself to the following purport;

Sir; your faithful Commons present to you three Money Bills; the first for raising money by loans of Exchequer bills for the service of the year 1775; the second for establishin a lottery, and for paying off 1,000,000*l.* 3 per cent. annuities, and for other purposes therein mentioned; and the other for appropriating the surplusses of the sinking fund for the service of the current year. These are all necessary grants, but they are yet very heavy, and are what nothing but the particular exigencies of the times could justify, in a time of profound peace. The unhappy differences in America, have been the chief cause of this expence; and I trust, that when the people of America see, in a proper light, the conduct of this country, they will learn to pay proper obedience to the laws; if, on the contrary, they should persist in their resolutions, and that the sword must be drawn, your faithful Commons will do every thing in their power to maintain and support the supremacy of this legislature. A great part of the session has been taken up in determining complaints respecting controverted elections. I cannot but admire the wisdom of the last parliament in enacting that law; neither can I withhold the praise justly due to the committees who have acted so much to the satisfaction of the public, and so fully in discharge of their own consciences. On the whole, Sir, I make no doubt but you will faithfully apply the money thus granted to the purposes for which it was appropriated.

The King's Speech at the Close of the Session.] His Majesty, after giving the royal assent to several Bills, put an end to the Session with the following Speech to both Houses:

"My Lords, and Gentlemen,

"I cannot, in justice to you, forbear to express my entire satisfaction in your conduct, during the course of this important session.

"You have maintained, with a firm and steady resolution, the rights of my crown and the authority of parliament, which I shall ever consider as inseparable. You have protected and promoted the commercial interests of my kingdoms; and you have at the same time given convincing proofs of your readiness (as far as the constitution will allow you) to gratify the wishes and remove the apprehensions of my subjects in America; and I am persuaded, that the most salutary effects must in the end result from measures formed and conducted on such principles.

"The late mark of your affectionate attachment to me and to the Queen, and the zeal and unanimity which accompanied it, demand my particular thanks.

"I have the satisfaction to acquaint you, that, as well from the general dispositions of other powers, as from the solemn assurances which I have received, I have great reason to expect the continuance of peace. Nothing, on my part, consistent with the maintenance of the honour and interest of my kingdoms, shall be wanting to secure the public tranquillity.

"Gentlemen of the House of Commons,

"It gives me much concern, that the unhappy disturbances in some of my colonies have obliged me to propose an augmentation of my army, and have prevented me from completing the intended reduction of the establishment of my naval forces. I cannot sufficiently thank you for the cheerfulness and public spirit with which you have granted the supplies for the services of the current year.

"My Lords, and Gentlemen,

"I have nothing to desire of you, but to use your best endeavours to preserve and to cultivate in your several counties the same regard for public order, and the same discernment of their true interests, which have in these times distinguished the character of my faithful and beloved people; and the continuance of which cannot fail to render them happy at home, and respected abroad."

The Parliament was then prorogued to the 27th of July, and was afterwards further prorogued to the 26th of October.

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SECOND SESSION
OF THE
FOURTEENTH PARLIAMENT
OF
GREAT BRITAIN.

*The King's Speech on Opening the Session.**] October 26, 1775. The King came to the House of Peers, and opened the Session with the following Speech:

"My Lords, and Gentlemen;

"The present situation of America, and my constant desire to have your advice, concurrence, and assistance on every important occasion, have determined me to call you thus early together.

"Those who have long too successfully laboured to inflame my people in America, by gross misrepresentations, and to infuse into their minds a system of opinions repugnant to the true constitution of the colonies, and to their subordinate relation to Great Britain, now openly avow their revolt, hostility, and rebellion. They have raised troops, and are collecting a naval force; they have seized the public revenue, and assumed to themselves legislative, executive, and judicial powers, which they already exercise in the most arbitrary manner over the persons and properties of their fellow subjects. And although many of these unhappy people may still retain their loyalty, and may be too wise not to see the fatal consequence of this usurpation, and wish to resist it, yet the torrent of violence has been strong enough to compel their acquiescence till a sufficient force shall appear to support them.

"The authors and promoters of this desperate conspiracy have, in the conduct of it, derived great advantage from the difference of our intention and theirs. They meant only to amuse, by vague expressions of attachment to the parent state, and the strongest protestations of loyalty to me, whilst they were preparing for a general revolt. On our part, though it was declared in your last session that a rebellion existed within the province of the Massachuset's Bay, yet even that province we wished rather to reclaim than to subdue. The resolutions of parliament breathed a spirit of moderation and forbearance; conciliatory propositions accompanied the measures taken to enforce authority, and the coercive acts were adapted to cases of criminal combinations amongst subjects not then in arms. I have acted with the same temper, anxious to prevent, if it had been possible, the effusion of the blood of my subjects, and the calamities which are inseparable from a state of war; still hoping that my people in America would have discerned the traitorous views of their leaders, and have been convinced, that to be a subject of Great Britain, with all its consequences, is to be the freest member of any civil society in the known world.

"The rebellious war now levied is become more general, and is manifestly carried on for the purpose of establishing an independent empire. I need not dwell upon the fatal effects of the success of such a plan. The object is too important, the spirit of the British nation too high, the resources with which God hath blessed her too numerous, to give up so many colonies which she has planted with great industry, nursed with great tenderness, encouraged with many commercial advantages, and protected and defended at much expence of blood and treasure.

"It is now become the part of wisdom and (in its effects) of clemency, to put a speedy end to these disorders by the most decisive exertions. For this purpose I have increased my naval establishment, and greatly augmented my land forces; but in such a manner as may be the least burthensome to my kingdoms.

"I have also the satisfaction to inform you, that I have received the most friendly offers of foreign assistance; and if I shall make any treaties in consequence thereof, they shall be laid before you. And I have, in testimony of my affection for my people, who can have no cause in which I am not equally interested, sent to the garrisons of Gibraltar and Port Mahon, a part of my electoral troops, in order that a larger number of the established forces of this kingdom may be applied to the maintenance of its authority; and the national militia, planned and regulated with equal regard to the rights, safety, and protection of my crown and people, may give a farther extent and activity to our military operations.

"When the unhappy and deluded multitude, against whom this force will be directed, shall become sensible of their

* For a summary view of the General State of Public Affairs in England and America, previous to and about the time of the Meeting of Parliament, see Annual Register for 1776, p. 36—55.

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error, I shall be ready to receive the misled with tenderness and mercy: and in order to prevent the inconveniences which may arise from the great distance of their situation, and to remove, as soon as possible, the calamities which they suffer, I shall give authority to certain persons upon the spot to grant general or particular pardons and indemnities, in such manner, and to such persons as they shall think fit; and to receive the submission of any province or colony, which shall be disposed to return to its allegiance. It may be also proper to authorize the persons so commissioned to restore such province or colony so returning to its allegiance, to the free exercise of its trade and commerce, and to the same protection and security, as if such province or colony had never revolted.

"Gentlemen of the House of Commons;

"I have ordered the proper estimates for the ensuing year to be laid before you; and I rely on your affection to me, and your resolution to maintain the just rights of this country, for such supplies as the present circumstances of our affairs require. Among the many unavoidable ill consequences of this rebellion, none affects me more sensibly than the extraordinary burthen which it must create to my faithful subjects.

"My Lords and Gentlemen;

"I have fully opened to you my views and intentions. The constant employment of my thoughts, and the most earnest wishes of my heart, tend wholly to the safety and happiness of all my people, and to the re-establishment of order and tranquillity through the several parts of my dominions, in a close connection and constitutional dependence. You see the tendency of the present disorders, and I have stated to you the measures which I mean to pursue for suppressing them. Whatever remains to be done, that may farther contribute to this end, I commit to your wisdom. And I am happy to add that, as well from the assurances I have received, as from the general appearance of affairs in Europe, I see no probability that the measures which you may adopt will be interrupted by disputes with any foreign power."

Petition of the City of London touching the American Colonies.] Before the motion was made for an Address, lord Camden presented the following Petition:

"To the Right Hon. the Lords Spiritual and Temporal in Parliament assembled.—The Humble Petition of the Lord Mayor, Aldermen, and Commons of the city of London, in Common Council assembled,

"Sheweth;

"That this court having taken into its most serious consideration the present distressed situation of our fellow subjects in America, are exceedingly alarmed for the consequences of those coercive measures, which are pursuing against them; measures that must, notwithstanding the great uncertainty of their success, eventually be productive of new and more burthensome taxes, the increase of an enormous national debt; and finally, we fear, the loss of the most valuable branch of our commerce, on which the existence of an infinite number of industrious manufacturers and mechanics entirely depends.

"That his Majesty having been graciously pleased, in answer to a late humble and dutiful Address and Petition to the throne, praying a cessation of hostilities with America, for the purpose of obtaining time, and thereby giving an opportunity for a happy and lasting reconciliation with his Majesty's American colonies, to declare, that he should abide by the sense of his parliament, this court conceive it to be their indispensable duty, thus early in the session, in the most respectful manner, to apply to this right honourable House, that it will be pleased to adopt such measures for the healing of the present unhappy disputes between the mother country and the colonies, as may be speedy, permanent, and honourable."

Ordered to lie upon the table.

Petition of the Province of Nova Scotia to the King and Parliament.] Lord Chancellor *Bathurst* condemned the conduct of the noble lord who presented the City Petition; said it had always been a rule in that House, not to enter upon any business, till the Speech from the throne had been taken into consideration. It was a compliment uniformly paid and expected; but since the noble and learned lord had departed from that rule, he should beg leave to present a Petition from his Majesty's colony of Nova Scotia. His lordship then presented the following Petition:

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" To the King's most excellent Majesty, the Lords Spiritual and Temporal, and the Commons of Great Britain in Parliament assembled.—The Address, Petition, and Memorial of the Representatives of the Freeholders of the province of Nova Scotia, in General Assembly.

" Your loyal and ever dutiful House of Assembly of the province of Nova Scotia, most humbly beg leave to address our gracious sovereign, and both Houses of Parliament, at this dreadful and alarming crisis, when civil discord, and its melancholy consequences, are impending over all British America.

" Actuated by the warmest ties of duty and affection to the person and family of our most gracious sovereign, animated with the firmest attachment to the mother country, zealous to support her power and consequence, over all the British dominions, and dreading a separation from her government and protection, as the greatest political evil which can befall us or our posterity.

" Influenced by the principles of humanity and the just rights of mankind in civil society, we tremble at the gloomy prospect before us, we feel for our gracious King, we feel for our mother country, of which many of us are natives, we feel for the British American race, once the most loyal, virtuous, and happy of mankind; animated with such principles, may we not approach the supreme legislature of the British empire, and as dutiful children of just and indulgent parents, may we not most humbly solicit for such regulations as we conceive most likely to preserve the inhabitants of this province in duty and allegiance to our King, in rendering permanent their connection with, and dependence on the supreme legislature of Great Britain, and preserving inviolably to us, and our posterity, the just rights of men in civil society.

" We are fully sensible that we have no right to pray for redress of grievances, to request privileges or regulations, unless we acknowledge your right over us; therefore we the representatives of the freeholders of Nova Scotia, do unanimously most humbly acknowledge our gracious sovereign George the 3d, king of Great-Britain, the Lords spiritual and temporal, and the Commons of Great Britain in parliament assembled, to be the supreme legislature of this province and of all the British dominions, and that it is our indispensable duty to pay a due proportion of the expence of this great empire.

" Having thus, as obedient subjects, acknowledged our duty to our King, and our willing submission to the supreme legislature of the British empire, we humbly request the right of being heard in respect of our grievances or wishes; and as our proceedings in this assembly may possibly have some influence with other assemblies in America, we humbly hope it will not seem presuming if we enter on the subject.

" We humbly conceive it will be necessary to the peace and happiness of the British empire, that the tax to be raised in the colonies, and which shall be at the disposal of the British parliament, and the proportion of each colony toward the imperial expence, should be of such a nature, as it may never after be necessary to alter it.

" We are also humbly of opinion, that this tax should be of such a nature as should not depreciate, but should increase in the same ratio with the affluence of the inhabitants of this province.

" We are also humbly of opinion, that the tax should be of such a nature, as not to be liable to be affected by the increase or diminution of the metals of gold and silver in the world.

" From these considerations we humbly offer it as our opinion that the fittest tax for this purpose would be a duty of so much per cent. upon all commodities imported into this province, not being the produce of the British dominions in Europe and America, (except the article of bay salt): this tax will include almost all the luxuries made use of, and will increase in an equal ratio with the affluence of the inhabitants; and if the rates of the several articles are fixed every ten years, for the future and subsequent ten years, it will not be liable to depreciate in value by the increase of the metals of gold and silver.

" We therefore humbly pray, that the supreme legislature of the British empire will please to accept of a tax as above pointed out; and so conscious are we of your justice and humanity, that we request to know what proportion would be pleasing or agreeable to you; reminding you to consider, that this province having no manufactories or lucrative commerce, must ever have a scarcity of specie.

" We also humbly pray, that when the

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exigencies of the state may require any further supplies from this province, that then such requisitions may be made in the usual manner formerly practised, whereby we may have an opportunity of shewing our duty and attachment to our sovereign, and our sense of the cause for which the requisition is made, by which means, and that only, our gracious sovereign can be acquainted with the true sense of the people in these his distant dominions.

"We also humbly pray, that you will permit us, and instruct your governor to consent to an Act to disqualify and deprive every member of the community from the rights and privileges of a subject in civil prosecutions, who shall be detected in any illicit trade or fraudulent dealing, together with their aiders, abettors, or concealers, in this or any other branch of the revenue.

"This will render unnecessary a multitude of officers employed to detect illicit trade, and prevent that disgust and evil spirit which has been created by their insolence, and will prevent that corruption of manners, and that contempt of the crime of perjury, which is now become so open and flagrant. We humbly request that you will appoint good and sufficient salaries to the officers of the customs, and absolutely forbid them to take any fee, in any case whatsoever, as we have found that the detail of revenue-duty, in all its departments, have been clogged with unnecessary forms and trifling regulations, to increase the fees and perquisites of the officers; and are also humbly of opinion that if those officers were under the controul of the governor, the council and judges of the supreme court of this province, it would be more for the advantage of his Majesty's service and the good of the revenue. We also humbly request, that if the mode of taxation be pleasing to you, that you will permit and order the legislative council, and the judges of the supreme court for the time being, to determine and affix the rate of the taxed articles, every ten years, for every subsequent ten years.

"Your ever dutiful, loyal, and affectionate house of assembly would not in these unhappy times presume to mention their own grievances, or request any particular privileges, lest you should suppose they were meant conditional of their just duty and allegiance this day acknowledged: but as the humble friends of our King and mother country, may we not respectfully point out those measures which may best tend to preserve the inhabitants of this province in loyalty and allegiance, and although we are not at this time in such circumstances as to raise a revenue for the support of the interior civil government of this province, agreeable to the present plan established by his Majesty, and which seems absolutely necessary for the dignity of government in a country, whose particular situation and advantages are such as may probably induce government to order it to be the head quarters of the British land and sea forces in America. But although we may be unable wholly to support so large yet necessary civil list, yet we are willing to set apart a fund for that purpose, which will necessarily increase with the opulence and number of the inhabitants, and will in time relieve our parent state from the heavy burthen of our support; our poverty as a province will not prevent a British king and parliament from hearing and justly relieving us, when as humble and dutiful subjects, and being well acquainted with this country and its inhabitants, we only beg leave to inform our gracious king and parliament with the measures which we conceive would best tend to the peace and happiness of this country.

"We therefore most humbly presume to offer as our opinion, that no native of this province may ever be appointed a governor or lieutenant governor in this province, the ambition of affluent individuals in the provinces, to acquire governments, have led to faction and parties, subversive of the peace and happiness of the people, the good of the province, and the honour of government, probably the present disputes in America may have been promoted by this cause.

"We are humbly of opinion, that the members of the legislative council should be appointed for life, and that no person should be appointed a member of the council, unless he be possessed of landed property in the province, to the value of one thousand pounds at least; and we most humbly pray that no collector or under officer of the customs, or any officer who is directly or indirectly concerned in the collection of the provincial revenue, may ever be admitted to a seat at the council board.

"We humbly pray, most fervently, that the officers of the customs, and every officer concerned in collecting the provincial revenue, may be prohibited

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from serving as representatives in general assembly.

"We humbly pray that the elections for the representatives of the people may be triennial, may be by ballot, and that the day of election triennially may be fixed by law, and that every officer of government be particularly prohibited from interfering in elections under severe and heavy penalties.

"We humbly pray, that the judges of the supreme court of this province may have their commissions during good behaviour, in the same manner as in England.

"We humbly pray, that after the decease of the present judges, that all future judges may be appointed in England, and may not be natives of this province; we can trace the present unhappy disorders in America to the want of a regulation of this kind.

"We humbly request your Majesty will graciously permit the legislature of this province to ascertain the number and boundaries of the several counties in this province.

"Most gracious King, grant and permit us a sheriff in each and every county, and deliver us from a provost marshal, presiding over this whole province, whose influence, owing to the nature of his office and the number of his deputies, must be excessive, and whose power in elections is absolute: if we are not relieved in this particular, we can have no pretensions even to the name of freemen.

"We humbly pray, that your Majesty will graciously permit and order, that a recorder of deeds and conveyances be appointed in each and every county, and not a deputy to a principal residing elsewhere.

"Our gracious King cannot be insensible of the great necessity there is that the most respectable persons in the community be appointed to the commissions of the peace; legal authority unless aided by the good opinion of the people, can have but little effect; probably the reason why the most respectable persons decline the office, is, because they are liable to be dismissed unheard, the want of power in the magistrates to execute or enforce the laws has been a general complaint in America.

"We humbly pray, that the governor, council, and judges of the supreme court may constitute a court of vice admiralty throughout the province, to determine all causes cognizable in such courts, agreeable to law and equity, and to receive no fees therefore.

"We humble pray, that any two or more of the judges of the supreme court, and a jury ballotted for and struck by the parties, shall constitute a court of equity in all civil cases throughout this province, subject only to appeals to his Majesty in council, where the property contested may amount to 500*l.* sterling, or upwards.

"We humbly pray to be delivered from the oppression of practitioners in the law, and pray that in all civil actions their fees, charges and perquisites, may be limited to 5 per cent. on all sums declared for or defended; it is not the desire of our good King to have his quiet and inoffensive subjects in this quarter of the globe given up to be persecuted by a few rapacious men.

"Most benign King, your Majesty was graciously pleased to grant tracts of land in this province, upon various conditions of settlement and payment of quit-rents, many of the conditions of settlement were impracticable, and others so expensive that the grantees were not able fully to effect them, we humbly pray to be exonerated from those severe conditions, and that you will graciously limit the power of the court of escheats to defaults in the payment of the quit-rent only.

"This house is sorry to observe that most cruel use has been made of this power of escheating land, even to the depriving of two old officers of the gratuity given them by your Majesty for near forty years of military service, and that to gratify two domestics of that governor who ordered the escheatment; and at this time a tract of land is advertised to be escheated, on which the proprietors have laid out near 4,000*l.*

"Finally, we most humbly request that the assembly of this province may be called together annually, and that no governor may be allowed to dissolve or prorogue them when he shall be informed that they are preparing a petition to our gracious King and parliament of Great Britain.

"Most gracious sovereign, we have unhappily experienced that the redress of our grievances, and those requested regulations could not come from us in the constitutional mode of laws which must have passed a council, some of them without property in the province or interest in our welfare.

"May the God of all goodness shower

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down on our gracious sovereign and his beloved family, every temporal blessing!

"May the spirit of concord, justice and public virtue direct the councils of the British senate, and may the Father of mercies preserve constitutional freedom to the British race in every part of the globe!

"W. NESBITT, Speaker."

"Halifax, June 24, 1775."

Ordered to lie upon the table. A similar Petition was presented, by the Speaker, to the Commons.

Debate in the Lords on the Address of Thanks.] Viscount *Townshend* rose to move, that an Address be presented to his Majesty. His lordship said, it was extremely proper, in the present exigency of affairs, to take foreigners into our pay, and Irish papists into our service. He said papists might be as good soldiers as any other; that it was only in this country any distinction was made; that France, however bigoted or despotic she might be in other respects, made no difference between Protestants and Catholics; that the Hollanders acted in the same manner; that so men were good soldiers, it was very little matter what their creeds were. He touched slightly on the disposition of the several powers of Europe; particularly that of the House of Bourbon, and the United Provinces: the last, to shew we had no obstruction to fear in the execution of our designs respecting America; it being a strong presumptive proof that we had very little to fear from the other powers of Europe, when even a state that almost existed by trade and the universality of its commerce, had renounced all prospect of advantage or emolument by trading with our colonies, having in the most solemn manner prohibited such an intercourse in the fullest operation and specific terms. His lordship then moved the following Address.

"Most Gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects the Lords spiritual and temporal in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"With the utmost abhorrence and indignation we see the real design of those desperate men, who, by the grossest misrepresentations, have deluded and precipitated our unhappy fellow subjects in America into measures no less subversive of their own happiness and true interests, than dangerous to the prosperity and safety of Great Britain. The powers they have assumed, and the arbitrary and oppressive acts which they have done, leave no doubt of their traitorous purpose to induce the colonies to shake off the controul of the supreme legislature, and to bury in an ungrateful oblivion the remembrance of the great industry with which they have been planted, the fostering care with which they have been nursed, the many advantages which they have enjoyed, and the expence of blood and treasure with which they have been protected by this nation.

"We cannot avoid expressing our concern that the great tenderness with which your Majesty has proceeded, and the conciliatory disposition which appeared in the last session of parliament, instead of having the desired effect of undeceiving the misled, and establishing a confidence in the parent state, have been turned to the advantage, and made instrumental to the purposes of this dangerous attempt; and whilst we acknowledge this to be the consequence of the difference of intention which prevailed here and in America, we are penetrated with a just sense of the motives which have regulated your Majesty's endeavours to prevent, if it had been possible, the effusion of the blood of our fellow subjects, and the calamities which are inseparable from a state of war; but since the rebellion is now become more general, and manifests the purpose of establishing and maintaining an independent empire, we cannot but applaud your Majesty's resolution to vindicate the rights, the interests, and the honour of this kingdom, by a speedy and most decisive exertion; and for this purpose we think it our indispensable duty to declare that we will support your Majesty with our lives and fortunes; and being fully persuaded that in the present state of these disorders, the most active will, in its effect, be the most merciful mode of proceeding, we hear, with pleasure, that your Majesty has increased your naval establishment, and also greatly augmented your land forces. We are sensible of your Majesty's kind consideration in having done it in such a manner as may be the least burthensome to your kingdoms; and your Majesty may be assured that we shall cheerfully concur in whatever may be necessary to enable your Majesty to profit of the friendly dispositions of foreign powers.

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"We are deeply impressed by the gracious motives which induced your Majesty to send a part of your electoral troops to the garrisons of Gibraltar and Port Mahon, by which assistance this country will be enabled to employ a larger number of its own established forces in the maintenance of its authority: and we return your Majesty our sincerest thanks for having so providently pointed out to us a farther resource in that national body of men, so constitutional in their nature, and so zealous in their duty, the militia of this kingdom.

"We cannot sufficiently admire your Majesty's benevolent declaration, that when the wished for period arrives, that the unhappy and deluded multitude, against whom this force will be directed, shall become sensible of their error, your Majesty will receive the misled with tenderness and mercy; and we are fully sensible of the wise and compassionate sentiment which has determined your Majesty to delegate authority to certain persons upon the spot to grant general or particular pardons and indemnities in such manner, and to such persons, as they shall think fit, and to receive the submission of any province or colony which shall be disposed to return to its allegiance; and we will most readily concur in granting to the persons so commissioned such farther powers as may best tend to promote and effectuate your Majesty's salutary measures.

"Permit us, Sir, to offer our grateful acknowledgments to your Majesty, for the full and explicit communication which your Majesty has been pleased to make to us, and at the same time to express the just sense we entertain of the numerous blessings we enjoy, flowing from the source of never-ceasing attention with which your Majesty is occupied for the safety and happiness of all your people. And we beg leave to assure your Majesty, that we participate the same desire which animates your royal breast, and feel no other wish than to re-establish order and tranquillity through the several parts of your dominions, upon the basis of a close connection with, and constitutional dependence upon, Great Britain."

Viscount *Dudley* seconded the motion for the above Address. Having asserted the sovereign authority of the British legislature over every part of the British dominions, his lordship contended, that the present rebellion in America, was fomented and supported by a desperate faction in this country; that none but men of the worst dispositions, and most pernicious designs, would encourage the claims of America; and that as they had been wrong almost in every thing else, he was glad to find they had been mistaken in their predictions relative to the distresses which the dispute with America would bring upon this nation. He had the pleasure of acquainting their lordships, that he lived in the midst of a manufacturing country, in the neighbourhood of Birmingham, Wolverhampton, &c. and he could affirm, from the most authentic information collected upon the spot, that none of the direful effects, so often echoed through that House, and which it had been said would flow from the measures pursued by administration and supported by parliament, had been yet, nor were likely to be felt.

The Marquis of *Rockingham*, after enumerating the conduct of the several administrations for some years past respecting America, condemned the Speech, which he called the speech of the minister, in very pointed terms; and contended that the measures recommended from the throne were big with the most portentous and ruinous consequences. His lordship moved an Amendment, by inserting after the word 'throne' in the first paragraph, these words:

"That we behold with the utmost concern the disorders and discontents in the British colonies rather increased than diminished by the means which have been used to suppress and allay them; a circumstance alone sufficient to give this House just reason to fear, that those means were not originally well considered, or properly adapted to answer the ends to which they were directed.

"We are satisfied, by experience, that this misfortune has, in a great measure, arisen from the want of full and proper information being laid before parliament of the true state and condition of the colonies, by reason of which, measures have been carried into execution injudicious and inefficacious, from whence no salutary end was reasonably to be expected, tending to tarnish the lustre of the British arms, to bring discredit on the wisdom of his Majesty's councils, and to nourish, without hope of end, a most unhappy civil war.

"Deeply impressed with a sense of this melancholy state of the public concerns,

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we shall, on the fullest information we can obtain, and with the most mature deliberation we can employ, review the whole of the late proceedings, that we may be enabled to discover, as we shall be most willing to apply, the most effectual means for restoring order to the distracted affairs of the British empire, confidence to his Majesty's government, obedience, by a prudent and temperate use of its powers, to the authority of parliament, and satisfaction and happiness to all his people.

"By these means, we trust, we shall avoid any occasion for having recourse to the alarming and dangerous expedient of calling in foreign forces to the support of his Majesty's authority within his own dominions, and the still more dreadful calamity of shedding British blood by British hands."

The Earl of *Coventry* asserted the authority of the supreme legislature over the colonies, but condemned, in express terms, the madness and absurdity of expecting to reduce them by mere measures of coercion, so as to answer any one rational purpose of sovereignty, commerce, or finance. He told the noble lords in office, that they had no alternative left, but either to relinquish all connection with the colonies, or to adopt conciliatory measures; the idea of conquering them was wild and extravagant; he said, even in the event of victory; because, if they should be vanquished, they would be worth nothing to the mother country; and would besides call for such a standing military force to keep them in subjection, as we could never be able to support. In short, the whole of his argument went to this; the hazard of failing in the attempt to reduce them; the little value they would be of when conquered; and above all, the inability of Great Britain to retain, for any considerable time, such a species of dominion; put in the opposite scale against the innumerable advantages we must immediately forego in such a contest, and the substantial benefits we must continue to reap from a state of tranquillity, reciprocal good temper, and mutual confidence.

The Earl of *Rochford* said, he had every reason, as well from repeated assurances as from the real disposition of the courts of Madrid and Versailles, to be perfectly satisfied, that there was nothing to be dreaded from that quarter, there being at present a perfect good correspondence subsisting between those courts and Great Britain. His lordship concluded with ridiculing the absurdity of supposing that France and Spain would interfere in the disputes under consideration; remarking, that it was by no means the prevailing policy of the House of Bourbon, to set so dangerous an example to their subjects in the new world, by assisting the British colonies to shake off the dominion of the mother country.

The Duke of *Grafton* condemned the measures recommended in the Speech, and the conduct of administration during the last twelve months. The Amendment did not entirely meet his ideas, he therefore could not vote for it; but he should certainly give the Address itself a negative. His general sentiments respecting America were well known; he should not therefore take up their lordships' time in explaining them. It was true, he had supported administration, but it was upon a general idea, that means of conciliation might be derived and adopted; he expressed his ignorance of the true state of America, and asserted he had been misled and deceived; for that reason chiefly, he could not think of concurring any longer in measures of which he never really approved; but to which he lent his countenance, in expectation that the stronger government was, the more likely matters were to be amicably adjusted. He had a proposition which, with their lordships' leave, he would submit to the House. He knew it could not originate with their lordships, as it must come through the other House, because it would affect the revenue. Perhaps, said his grace, it will not gain your approbation entirely this night; but, believe me, you will like it better to-morrow, and still better in three days hence. It will daily grow in your esteem. In a fortnight, I promise you, it will have more friends, until at length it will gain universal assent and approbation. The proposition is only this; to bring in a Bill for repealing every Act, I think there are thirteen, which has been passed in this country since the year 1763, relative to America. This, I will venture to assert, will answer every end; and nothing less will accomplish any effectual purpose, without scenes of ruin and destruction, which I cannot think on without the utmost grief and horror. But, my lords, though I had entertained a contrary opinion to what I do, I could by no means consent to agree with this Address in the form it is now presented. I con-

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fess I could not, at any time within my recollection, venture, either in conscience or judgment, to give it my support. The necessity of hiring foreign troops, for garrisoning our two valuable and important fortresses, is not accompanied with sufficient information to justify so extraordinary and unprecedented an act. It is indeed accompanied by none. Besides, this Address takes in the whole of the measures to be adopted, without a single fact being stated, or a tittle of information given, to point out their rectitude or necessity. We do not know the extent of the expences we may be put to, the general outline of the operations intended, nor the various consequences we may bind ourselves to by such an engagement. In fine, my lords, if I were not truly touched by the present very critical situation of this country, I had a sufficient apology for absenting myself, on account of a very indifferent state of health; if I were not convinced, that silence in my situation would be construed into acquiescence, if not direct approbation. But I trust your lordships will credit me, and I am convinced that my brethren in office are satisfied, that nothing but the most full and perfect conviction of my being in the right could prevail on me, under the circumstances before alluded to, to attend thus early in the session to give my vote; nor shall my indisposition prevent me from answering what I look upon as the strongest call of duty; for should it continue to increase, I pledge myself to your lordships and my country, that, if necessity should require it, and my health not otherwise permit it, I mean to come down to this House in a litter, in order to express my full and hearty disapprobation of the measures now pursuing; and, as I understand from the noble lords in office, meant to be pursued. I do protest to your lordships, that if my brother or my dearest friend were to be affected by the vote I mean to give this evening, I could not possibly resist the faithful discharge of my conscience and my duty. Were I to lose my fortune, and every other thing I esteem; were I to be reduced to beggary itself, the strong conviction and compulsion at once operating on my mind and conscience, would not permit me to take any other part on the present occasion, than that I now mean to adopt.

The Earl of *Sandwich* remarked, that the framers and supporters of the Amendment, after stating the facts, that the disorders in America had rather increased than diminished, instead of assigning the causes that followed this assertion, should have assigned the only true cause, which was the open and avowed support and countenance given to the rebels, by men, who under a pretended regard for their country, encouraged, from the worst motives, an unnatural rebellion against the executive and legislative powers of the state, and the undoubted rights of the people of this country. In answer to some strictures made by the noble duke who spoke last, he defended the conduct of the naval officer who commanded on the American station, and seemed to hint some degree of censure upon the operations on shore. He confessed, that things were much altered, and that it was necessary to considerably augment our navy; that he had already taken every precaution in his power; that the armament of last year had consisted of thirty armed vessels of different sizes, two of them two decked vessels; that twenty were actually sailed, or were ready to sail to reinforce them; and that it was the intention of administration to complete the number, by the time that operations were to commence, to seventy vessels, which would be such a force co-operating with the army, as would render it impossible for the Americans either to resist, keep together, or subsist; as they would have at once all the calamities of a war to contend with, without the means of carrying it on; being thus cut off from all supplies they might expect to derive from Europe, or elsewhere. His lordship confessed, that administration had been deceived in some measure; yet he thought it necessary now to declare, that it was his own private opinion, that the stronger the navy was, the more effectual their operations would be. He saw the matter very evidently in that light; but it was generally believed, if a larger force had been demanded, it would have raised an opposition to the measures at large; and this was one very powerful motive for his not explaining his own ideas so fully as otherwise he was most certainly disposed to do. It was fashionable to cry up the prowess and intrepidity of the Americans; but in his opinion, if they had betrayed any proofs of cowardice and want of spirit formerly, nothing had yet happened on their part, sufficient to wipe off the aspersion; for it had ever been a received opinion, that an army entrenched are at least equal to three times their

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number of assailants; whereas the superiority on the part of the provincials was confessed on all hands to be in the direct contrary proportion; and yet, the King's troops were victorious. He commented on the proposition recommended by the noble duke, and contended, it was in fact giving up the whole contest, and at once relinquishing our rights of sovereignty; and every possible benefit we are entitled to claim in the way of trade and commerce; that though we should agree to repeal all the laws relative to America, passed since the year 1763, yet in all probability the noble proposer, as well as the proposition, would meet with the treatment and contempt that, last session, a noble lord, now absent (the earl of Chatham) did, which was, to be condemned in pamphlets and news-papers, and his person reviled in the most reproachful terms in scurrilous publications and ballads, hawked about the streets of their several capitals by old women and boys. He pursued the idea of the noble mover of the Address, relative to foreigners and Papists, in the instance of France and Sardinia, who constantly retained large bodies of Swiss in their armies, who professed the Protestant religion; and contended generally, that if the measure of reducing America was a right one, it was proper of course to enforce it; and he was astonished to hear the power of the King to call the aid of his Hanoverian subjects to his assistance doubted, or the propriety of employing foreigners, to effectuate measures previously determined to be necessary, condemned.

Lord *Lyttelton* resented what he deemed an implied censure on his noble relation (the earl of Chatham) who, he observed, unfortunately for his country, was absent from his duty in parliament; being confined to his bed by a severe fit of illness. The noble earl, who endeavoured to load that truly great man with ridicule, ought to recollect and well weigh a character which he was no more able to depreciate by an attack in his absence, than he could add to it, by any encomiums it was in his power to bestow. That great man was the ornament of his country, and the delight and admiration of every man, of every party, who wished well to it. Though a young man, he remembered when this country was pretty much in such a predicament as at present; and he remembered too, that that steady patriot and able politician rescued it from the brink of destruction; and he was now fully convinced, its salvation, nay indeed its existence, was only to be obtained and preserved by the same means. His lordship turned to the question, and maintained the sovereignty of the legislature in its fullest extent; but condemned in the most marked language, the conduct of administration. He said, they had totally failed in their promises and information, and were no longer to be trusted or supported with safety. He alluded to his conduct during last session, when he voted with the ministry, how strenuously he recommended vigorous measures, or none; and how frequently he pressed them on this head. On the whole, therefore, though he could not vote for the Amendment, because the Americans were not declared to be in rebellion, he totally disapproved of the Address, and the measures recommended in it. He said matters were now entirely altered. Boston was turned into an hospital, where more died of famine and want of care, than by the sword. We probably had not a single foot of land in our possession on the continent of America. The expence and hazard of reducing it, the little dependence there was to be placed in men, who had been misled themselves, or purposely misled others, operated so strongly on his mind, that he could no longer lend his support to such measures, accompanied by such circumstances; and consequently must unite in opinion with the noble duke, in wishing that all the Acts respecting America, passed since the year 1763, might be repealed, as a ground for conciliation, a full restoration of the public tranquillity, and return of America to her wonted obedience, and subordinate dependence on the mother country.

The Bishop of *Peterborough* (Dr. John Hinchcliffe) answered some reflections which dropt from lord Sandwich on the obstructions thrown in the way of administration, by declaring, that he was so far from having had any disposition to clog the wheels of government, that he had given his vote last year for the measures of the ministry, upon the ground of the information he had received from reading the American correspondence; his lordship, however, reminded the House that, notwithstanding the vote he then gave, he expressly declared, that reconciliation last year was the object he ever had in view, and meant not to lose sight of. He hoped therefore, that the lords

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would not impute it to a spirit of faction, if (as he thought the state of things now very different from what they appeared then,) he should be constrained to withhold his consent from the Address. My reasons, he added, for so doing, I will simply, and as briefly as possible, lay before your lordships.

It appeared to me, in the last session, to be the general opinion of all such as I thought best capable to form a judgment what were the most probable means to effect a lasting re-union with the colonies, that even a shew of perseverance to support the authority of the legislature would intimidate the factious, and restore peace and tranquillity. Experience has now convinced me that a mistaken judgment upon this point was formed by the friends of administration, both here and in America. The declaration of perseverance went forth, and though backed by 10,000 men, has not intimidated a single colony.

We were assured last year, that upon the appearance of a re-inforcement which could protect them from the insults of the mob, a considerable party would declare themselves in favour of the mother country: that there is no reason now to flatter ourselves with such an expectation is too obvious to be insisted upon. It was said too, in the spring, that the Americans would not, some indeed were confidently persuaded they could not, fight; yet we now certainly know that they can and will fight, for they have fought. It is true, they were defeated, but considering the stand they made, and the intrepidity of the troops they had to contend with, they were not disgraced by their defeat. We were made to believe, a year ago, that the restraints put upon the commerce and fisheries of the colonies would press so hard upon their interests, as to bring them to submission. We have now learnt that their commerce is but a secondary consideration: if it may not be called liberty itself, that they are contending for, it is at least the opinion of liberty, which operates no less forcibly on the passions of mankind.

Having thus contrasted the past and present state of American affairs, he said, that he was persuaded many lords besides himself had, on some or all of the grounds he mentioned, been induced to approve of the measures proposed in the last session; he owned they were measures of coercion and correction, which he then thought advisable, because he believed they tended to effect peace and re-union. But, he added, it seems to me unfortunately for both countries, that we have lost sight of the end in the means. It is no longer a question whether reconciliation is best brought about by concession or force; but whether or no we shall engage in a ruinous and expensive war, till one or both countries is sacrificed to resentment, on a barren point of honour. I call the subject of our dispute a barren point of honour, for I am persuaded, there is scarce a man in this country, who thinks now that America, if subdued, will be brought to submit to taxation. Be the right of the legislature what it may, such as I have conversed with, hold the exercise of it not only inexpedient but impracticable. Admit, then, the point of honour established by a series of victories, it must still remain a barren speculative principle of pre-eminence, and all the advantage which can possibly be expected from it, can never be adequate to the expence of blood and treasure that must necessarily be wasted in the fruitless acquisition.

The noble viscount who has moved this Address, has been pleased to lay a great stress upon the assurances given by the courts of France and Spain. I am free to admit that nothing is to be apprehended from either of our rival powers, while our domestic disputes continue. They must be bad politicians indeed, to hazard any thing for reducing our force, while they see us so eagerly doing their business at our own expence.

The other noble viscount who has seconded this Address, has acquainted your lordships, that to his own personal knowledge, our great manufacturing towns feel no decline of trade from the interruption of the American commerce. They have, his lordship says, as full employment, and as ample orders from their factors as ever. Be it so: what is it that the noble lord can infer from this concession, unless it is that our manufactures can do as well without the American trade as with it? Why then, I would ask, are we sacrificing the flower of our army, and burthening posterity with an enormous debt; better surely will it be to cut off at once a limb that is of no use, than to hazard the mortification of the whole body, by endeavouring to preserve it.

His lordship proceeded then to give his opinion upon the use that might be made of the Petition from the Congress, as a ground of conciliation. I am free to own,

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said he, I consider the Petition as a refined piece of political subtlety; yet I plainly perceive from it, that there is either a difference of sentiment among the leaders, or that the bulk of the people do not even now wish for a total separation, whatever may be the object of some among the leaders who direct their councils.

It is evident that the Petition is expressed in terms which, considering the circumstances of the country, are more moderate and dutiful than could have been expected. Suppose, then, that this was calculated to gain the approbation of such, as wished still for peace and conciliation. It is plain, that some such there still are among them, and that their leaders thought it prudent to manage them, though they had address enough to clog the whole with a title and subscription which they meant should render it inadmissible. Are your lordships to be so imposed upon; will you be for rejecting this Petition altogether, or will you not find some means of admitting it, so as to defeat the purposes of those who in their hearts are enemies of peace? I beg leave to remind the House of a wise answer given lately by one of his Majesty's governors to a petition of a provincial congress. "I cannot," says sir James Wright, "look upon your meeting as constitutional, but as your petition is expressed in terms of duty and loyalty, and the ends proposed are such as every good man must wish to promote, I shall consent."

To conclude, was there no other consideration than the great importance of the question, whereon not the commerce only, but in a great measure the very being of the British empire depends, it would justify delay, till all the light which can be collected is thrown upon the subject. The Amendment proposed by the noble marquis seems directed principally to this end, and for that reason I shall give my consent to it. Whatever vote your lordships shall hereafter come to, weigh first the hazards of war, weigh the heavy expence of acquiring your object against its real value. I am too much pleased with the spirit of the noble lord's idea, who declares the British troops are invincible, to question it. Cast the sword of victory, then, into the scale of honour. It will still be found wanting.

The Earl of *Sandwich* said, he had no intention to depreciate the character of the noble earl, who he understood was prevented by illness from attending his duty in parliament; he never meant to ridicule him, and still much less so in his absence.

The Duke of *Grafton* rose to explain, concerning something which had furnished lord Sandwich with an opportunity of supposing his grace had passed some degree of censure on the naval operations carried on in America. Nothing could be further from his intentions; for he had a very high esteem for the gentlemen of the navy; and took a peculiar pride in being immediately descended from one of the profession.

The Earl of *Effingham*, after taking a short review of the conduct of administration, turned his attention to the measures proposed by them; and supposing that it should be agreed to carry them into execution, asked lord Townshend whether he thought 60,000 men would be sufficient to recover America, and entirely subdue it?

Viscount *Townshend* replied, it was a question he could by no means undertake to answer; that he was acquainted only with that part in which he had acted himself; that there was a very able man (sir Jeffery Amherst) who, it was reported, would shortly be called up to a seat in that House: this gentleman had traversed the principal communications of the northern parts of that continent: and he believed had been consulted. He assured their lordships, that for his own part, he had never been applied to in council or elsewhere; but if the question had been put generally to him, whether such a force was sufficient for the purpose, he should very fairly reply, from his general knowledge, and from all the lights he had been able to obtain from history, that he never knew an instance, where 60,000 men were in possession of the posts proper to be occupied, in which they had failed.

The Earl of *Dartmouth* was astonished how any noble lord could condemn administration, or withdraw his support from them, without at least giving them a fair trial; it was never supposed, if America united, that to reduce them would be the work of one summer; the measures of last session were directed to the protection of the province of Massachuset's Bay entirely; as such, they had been wisely planned, and must have been successful, if a variety of events, impossible to be foreseen or provided against, had not united to defeat them; such, in particular,

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was the change of sentiments in the people of New York, and the unexpected unanimity and unforeseen measures adopted by the continental congress.

Earl *Grosvenor* said, he was not used to speaking. Politics were not in his way; but he thought the King's Speech was a good speech, and as such ought to be answered in the terms moved by the noble lord.

The Duke of *Manchester*, after examining the true purport of the Speech, which he treated as the speech of the minister, submitted his reasons for disapproving of the Address, and for agreeing with the Amendment. His grace observed, that it had been the general language of the ministry, and many other noble lords last session, to impute all opposition to their measures to factious and ambitious motives. He was sorry to hear the same language renewed this day. His grace solemnly protested, as long as he had the honour of a seat in that House, he would never endure it. If the noble lords who made the accusations had grounds to justify what they said, he called on them to bring them forward, or confess they had no authority for what they said or insinuated. If they are silent, then, said his grace, I shall suppose they have none. The House must suppose so, and as such will not permit them to interrupt or disturb that decorum and freedom of debate for which your lordships have at all times been so justly distinguished. [Mention was made, by some of the lords in administration, of the several addresses lately presented to his Majesty; that they contained the fullest approbation of the present measures, and must be presumed were the voice and sense of the nation.]

Lord *Craven* said, the manner and the means employed to obtain these addresses were well known. He should mention only that which was obtained in his own neighbourhood, which, he said, was shamefully smuggled; no notice being previously given the citizens of Coventry. It was drawn up by the mere agents and creatures of administration; nine-tenths who signed it never heard a syllable of its contents; and yet, with all the arts used to deceive and mislead, no more than 117, most of them ignorant of what they were doing, could be prevailed upon to sign it; while the Address he interested himself in, and which carried truth to the foot of the throne, attended with all the previous forms which should ever accompany declarations of this nature, where the sentiments of the people ought to be faithfully collected and expressed, was signed by 406 names; and he could assure their lordships, that in this number there was not one bought voice nor one pauper. From this instance, which came immediately within his own knowledge, he was led strongly to suspect, that most of the addresses alluded to by the noble lords were obtained in a similar manner; and hoped therefore their lordships would build nothing on so weak and rotten, though specious a foundation.

The Duke of *Richmond* reminded administration of the very predictions which they now owned were the cause of their miscarriage. He told them that he, and many other lords, had repeatedly pressed them on their real or pretended want of information; that if they were in earnest, their armaments, both by land and sea, were too weak; and if they were not in earnest, it was at once sacrificing the blood, treasure, commerce, and honour of this nation, to a most criminal lust of place and emolument, supposing that bloody measures were the tenure by which they held their offices. His grace observed, that the public papers held out threats against some of the members of both Houses, in order to stifle the freedom of debate; that he understood he was one of the persons singled out and meant to be honoured on this occasion; that he now called on his threateners and accusers, and, (striking his hand on his heart) said, If any such be present, I will not pretend to say there are, I defy them; I scorn their menaces, and invite them to make good their charges. He did not suppose, he said, that any noble lords in administration would encourage or employ such base, futile, or scandalous means to intimidate members from doing their duty, though they were certain that such a scheme would have the desired effect.—His grace next turned his attention to what a noble earl had said, respecting the cowardice of the Americans. He begged leave to remind his lordship, that he did not speak conditionally; there was no *if* at the time the charge was made, it was a positive one, and could not now be explained away by conditions introduced for the first time; yet however positive the noble lord might have been then, or guarded he might be now, he could inform his lordship that the New England people were brave; that they had proved it; that

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the general who commanded at Bunker's-hill had confessed it; that another (general Burgoyne) no less celebrated for his talents than zeal for the cause, had confirmed it; that an officer, a particular friend of his, on the spot, had united in the same opinion. He combated the facts and conclusions of the noble earl, relative to the particulars of that day. He denied the superiority of numbers, and observed that he never recollected an instance where lines had been forced and no prisoners taken but such as were wounded. The noble viscount who moved the Address, when questioned about the practicability of reducing and holding America in subjection, instanced the conquest of Corsica. The difference of extent of the two countries, the vicinity of the island to France, and the number of persons in arms to resist, which were no more than 6,000; added to the immense superiority of the French in point of numbers, was sufficient to shew how little the two cases were alike: and as to his lordship's general answer, that 60,000 men in possession of all the posts of a country would in all probability succeed, he must have supposed the conquest as a matter previously effected; because, he could see very little or no difference between the actual conquest of a country, and occupying all the posts which command the necessary communication by land and sea: that not being the case here, he must therefore look on his lordship's answer as deciding nothing. He condemned the Speech and Address with severity, and concluded with calling on the law lords to rise and give their opinions, whether his Majesty was properly advised in taking Hanoverians into British pay, and bringing them into the dominions of Great Britain, without the previous consent of parliament.

Earl *Gower* confessed that administration had been deceived and misled; and that, consequently, the measures taken were by no means proportioned to the nature and extent of the service; that the accounts received from the southern provinces led to this mistake; and that several other events had happened, which it was impossible to foresee or prevent. In particular, the province of New York had been overawed and compelled, by a party of insurgents from Connecticut, into measures they would never have otherwise adopted; that still, if the friends of government were emancipated by the aid of a force from this country, he had strong expectations, the colonies, by that means, might be brought to a sense of their duty, without the mother country being obliged to have recourse to those scenes of misery and desolation, described by the noble lords on the other side. His lordship lamented, that those who had hitherto approved of the propriety of the measures respecting America, should so suddenly abandon them; or that any foundation should be laid, for suspecting they wished to defeat every thing they had on a former occasion expressed the strongest desire to support. He was convinced, that the proposition of the noble duke would never answer the end proposed; and that the question was now simply reduced to the alternative of coercive measures, qualified in the manner he had pointed out, or for ever relinquishing any power, dominion, or advantage from our colonies in North America.

Lord *Ferrars*, of Chartley, apologized for his youth, and said, that whatever desire he might have to follow the opinion of his very near and noble relation, yet, as a lord of parliament, in the execution of a trust, and in the discharge of a duty, he felt himself called to a conscientious discharge of both. Such being his motives, he found himself under a necessity of supporting the Amendment.

The Earl of *Shelburne*. I may, from this moment, congratulate the public, that the ministry have pronounced the funeral oration of their addresses. From the language of those addresses, and from the various threats which were industriously circulated, I came to town with some apprehensions, not for myself, but lest the zeal of some of my friends for the violated rights of their suffering fellow subjects, should have led them into unwary expressions which might have enabled some dark designing lawyer to stab the public freedom through the indiscretion of an individual. I do not blame the addressers who have thus unjustly aspersed the characters of those whose aim is, by steady, just, and temperate counsels, to save this deluded country from destruction. They were deceived: they were deceived by these very ministers, who being now called upon, explicitly avow, without any appearance of shame or remorse, that they have no evidence to support their accusation.

It is with equal astonishment and concern, my lords, that I perceive not the

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least mention made in the Speech which has been this day delivered to us, of a paper, the most important of any that could possibly come under the consideration of this House. I mean the last Petition from the general congress in America. How comes it, that the colonies are charged with planning independency in the face of their explicit declaration to the contrary, contained in that Petition? Who is it, that presumes to put an assertion, contrary to fact, contrary to evidence, notorious to the whole world, in that mouth, from which truth alone, if unprompted, would issue? It is their intention, by thus perpetually sounding independence in the ears of the Americans, to lead them to it, or by treating them, upon suspicion, with every possible violence, to compel them into that, which must be our ruin. For let visionary writers say what they will, it is a plain and incontestible fact, that the commerce of America is the vital stream of this great empire. A noble and reverend lord has insinuated, that the Petition seems to him to be conceived in terms of great art and ambiguity. I have examined it with great care, but this morning I read it repeatedly, and to my apprehension, except a certain degree of address necessary to meet the prejudices which have been wickedly and industriously excited here, there cannot be a fairer opportunity offered of extricating this country from the ruinous situation in which the folly of administration has involved us. It furnishes the fairest foundation for an honourable and advantageous accommodation. I have been long and intimately known to some gentlemen of that country, one of whom now takes a considerable share in their proceedings; and I have ever found them and their correspondents constant and earnest in the wish for conciliation, upon the terms of ancient connection.

My lords, you have heard two of his Majesty's ministers acknowledge, they were deceived in their information, and have erred in their measures respecting America. There wants only a similar acknowledgment from a certain law lord, who was forward to pledge himself last year for the success of their plans. A little blood, indeed, he owned they might cost; but with that, their efficacy was inevitable. The noble lord's political sagacity has for once forsaken him. A great deal of blood has been unhappily shed, to no purpose, but to sever us more, if not put us asunder for ever.

But is it possible that your lordships should not have marked, and marked with indignation, the levity, and even ridicule, with which the noble lord, at the head of the Admiralty, has treated this most solemn subject. No man who did not feel himself secure in the promise of impunity from some quarter, would proclaim his mistakes in triumph, and sport with the calamities of his country. It is astonishing that any one should have dared to promise impunity to such fatal errors, and a conduct so criminal: it is your lordships' business to look to this. Should such men not only be at large unaccused, but highly trusted, adding fresh insults, misleading by fresh misinformation, and manifesting a total contempt of the public, both here and in America? The noble lord laughs at all propositions of conciliation; repeats his imputation of cowardice against the Americans; says the idea of rights is to be driven out of their heads by blows; and ridicules the objections to employing foreigners and papists. Is this a language, my lords, becoming so great an officer of state? Is it decent thus to stigmatize so great a part of the empire with so base a calumny? It is impossible that noble lord can have less intolerancy in his disposition than I have. But it does not therefore follow, that I should think it a measure of no moment, or of inconsiderable danger, to arm the hands of those who are strangers to toleration, and who pant for the extirpation of the Protestant religion. By what authority is it, that the crown has put the strong fortresses of this empire into the possession of foreign troops? I do not enquire whether it is with or against the letter of any particular law. I see it fundamentally infringing the first principles of our government; and do not hesitate to pronounce it high treason against the constitution. I foretell, it is a measure which the indignation of this country will pursue, till it is utterly condemned. For, my lords, if there were a settled plan to subdue the liberties of this country, what surer means could be adopted, than those of arming Roman Catholics and introducing foreign troops? Before you venture to make Roman Catholics soldiers, let them be made citizens. They will otherwise willingly employ the arms in their hands, to destroy those privileges of which they are not suffered to partake. If Hanover assists us, we must defend her when invaded. This involves us in continental connections and wars, which have

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already almost overwhelmed us with debt. In every view, then, these measures are impolitic, unconstitutional, and dangerous.

Much has been said, my lords, about not distrusting the present prince upon the throne; though we may be jealous of trusting such powers with those who may succeed him. It is not now a time for compliments. I do not distrust the King that is now upon the throne. I have more veneration for the character of king William than for that of any prince that ever swayed a sceptre. The greatness of his talents, the virtues and the heroism of his heart, render him, in my estimation, the first of men. Yet had I been in that parliament which refused him his Dutch guards, I should have been the foremost in so wise and constitutional a measure. My vote, my lords, shall never be given for trusting the dangerous power of the sword in foreign hands. And however I may trust English swords will never be employed against English liberties, yet, I hold it my duty as a guardian of the constitution, to look ever with a jealous eye on the augmentation even of an English army.

My lords, the ministers lament, that it is their task, in this American business, to support the measure of another administration. This is some acknowledgment at least, that the measure was wrong. Why, then, did they support it? What secret influence has compelled them to heap errors on errors, grievance upon grievance, till they have shaken the constitution to its foundation, and brought the whole empire into danger and confusion? The Americans judge from facts. They have seen an uniform lurking spirit of despotism pervade every administration. It has prevailed over the wisest and most constitutional counsels; it has precipitated us into the most pernicious of all wars; a war with our brothers, our friends, and our fellow subjects. It was this lurking spirit of despotism that produced the Stamp Act in 1765; that fettered the repeal of that Act in 1766; that revived the principles of it in 1767; that has accumulated oppression upon oppression since, till at length it has openly established, by the Quebec Bill, popery and arbitrary power over half America.

It is the constant endeavour, my lords, of those who lend themselves as the instruments of all the measures prompted by that pernicious spirit, for the emoluments it yields, to throw upon us the imputation of being prompted to opposition solely by a desire of the same emoluments. But, my lords, whatever may be the object in ordinary times, the present are big with dangers that absorb every other consideration. The inevitable consequence of persevering in these measures, must be such a depreciation of our estates, that opulence will be reduced to competence, and that to indigence. In contemplation of this adversity, I feel it a happiness that I have been bred a soldier; accustomed to the moderation of that life, my fall from opulence will be easy; such may it be with the rest of your lordships! But as you would avoid this, and still greater calamities, let me beseech you to temper, and restrain with your wisdom, the violence of this fatal address.

The question was put upon the Amendment. It passed in the negative. Contents 29; Non-contents 69. The question was next put upon the motion for an Address. It passed in the affirmative. Contents 66, and proxies 10, in all 76. Non-contents 33, no proxies.

List of the Minority.

Dukes.	Viscount.
Richmond	Torrington.
Grafton	Lords.
Devonshire	Craven
Portland	Sondes
Manchester.	Boyle
Marquis.	Monson
Rockingham.	King
Earls.	Chedworth
Stamford	Archer
Thanet	Romney
Abingdon	Ponsonby
Scarborough	Lyttelton
Coventry	Wycombe
Jersey	Beaulieu
Cholmondeley	Camden.
Tankerville	Bishops.
Effingham	St. Asaph
Fitzwilliam	Peterborough.
Radnor.	

Protest against rejecting the Amendment to the Address.] The following Protest was entered:.

"Dissentient,

1. "Because we cannot, as Englishmen, as Christians, or as men of common humanity, consent to the prosecution of a cruel civil war, so little supported by justice, and so very fatal in its necessary consequences, as that which is now waging against our brethren and fellow subjects in America. We have beheld with sorrow and indignation, session after session, and notwithstanding repeated warnings of the

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danger, attempts made to deprive some millions of British subjects of their trade, their laws, their constitution, their mutual intercourse, and of the very food which God has given them for their subsistence. We have beheld endeavours used to enforce these impolitic severities at the point of the bayonet. We have, on the other hand, beheld so large a part of the empire, united in one common cause, really sacrificing with cheerfulness their lives and fortunes, and preferring all the horrors of a war raging in the very heart of their country, to ignominious ease. We have beheld this part of his Majesty's subjects, thus irritated by resistance, and so successful in it, still making professions, in which we think it neither wise nor decent to affect a disbelief of the utmost loyalty to his Majesty; and unwearied with continued repulses, repeatedly petitioning for conciliation, upon such terms only as shall be consistent with the dignity and welfare of the mother country. When we consider these things, we cannot look upon our fellow-subjects in America in any other light than that of freemen driven to resistance by acts of oppression and violence.

2. "Because this unnatural war, thus commenced in oppression, and in the most erroneous policy, must, if persevered in, be finally ruinous in its effects. The commerce of Great Britain with America was great and increasing, the profits immense, the advantages, as a nursery of seamen, and as an inexhaustible magazine of naval stores, infinite; and the continuance of that commerce, particularly in times of war, when most wanted to support our fleets and revenues, not precarious, as all foreign trade must be, but depending solely on ourselves. These valuable resources, which enabled us to face the united efforts of the House of Bourbon, are actually lost to Great Britain, and irretrievably lost, unless redeemed by immediate and effectual pacification.

3. "Because Great Britain, deprived of so valuable a part of its resources, and not animated, either with motives of self-defence, or with those prospects of advantage and glory, which have hitherto supported this nation in all its foreign wars, may possibly find itself unable to supply the means of carrying on a civil war, at such a vast distance, in a country so peculiarly circumstanced, and under the complicated difficulties which necessarily attend it. Still less should we be able to preserve, by mere force, that vast continent, and that growing multitude of resolute freemen who inhabit it; even if that or any country, was worth governing against the inclination of all its inhabitants. But we fear, that while we are making these fruitless efforts, refusing to give credit to the declarations of our fellow subjects, and blindly confiding in the insidious professions of the natural enemies of this country, we are preparing an easy prey for those who prudently sit quiet, beholding British forces, which, if united, might be in a condition, from their valour, numbers, and discipline, to carry terror into the very heart of their kingdoms, destroying each other. Every event, whichever way it turns, is a victory to them. Our very hospitals furnish them with daily triumphs; the greater, as they are certain, without any risk to them of men or money.

4. "Because we conceive the calling in foreign forces to decide domestic quarrels, to be a measure both disgraceful and dangerous; and that the advice which ministers have dared to give to his Majesty, which they have avowed and carried into execution, of sending to the garrisons of Gibraltar and Port Mahon, the dominions of the crown of Great Britain, a part of his electoral troops, without any previous consent, recommendation or authority of parliament, is unconstitutional. That Hanoverian troops should, at the mere pleasure of the ministers, be considered as a part of the British military establishment, and take a rotation of garrison duties, through these dominions, is, in practice and precedent, of the highest danger to the safety and liberties of this kingdom, and tends wholly to invalidate the wise and salutary declaration of the grand fundamental law of our glorious deliverer, king William, which has bound together the rights of the subject and the succession of the crown.

5. "Because the ministers, who are to be entrusted with the management of this war, have proved themselves unequal to the task, and in every degree unworthy of public trust. Parliament has given them every assistance they asked; no unforeseen accidents have stood in their way; no storms have disabled or delayed their operations; no foreign power hath, as yet, interfered: but notwithstanding these advantages, by their ignorance, negligence, and want of conduct, our arms have been disgraced; upwards of ten thousand of the flower of our army, with an immense artillery, under four generals of reputation,

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and backed with a great naval force, have been miserably blockaded in one sea-port town, and after repeated and obstinate battles, in which such numbers of our bravest men have fallen, the British forces have not been able to penetrate one mile into the country which they were sent to subdue; important fortresses are seized, the governors are driven from their provinces, and it is doubtful whether, at this moment, we are in possession of a single town in all North America. Whether we consider its extent or its commerce, England has lost half its empire in one campaign. Nor can we impute the misconduct of ministers to mere inability, nor to their ignorance of the state of America, upon which they attempt to justify themselves; for while some members of administration confess they were deceived as to the strength and condition of the provinces, we have from others received official information, that the insufficiency of the navy was concealed from parliament, and part of administration, from a fear of not receiving support from its members; we cannot therefore consent to an Address which may deceive his Majesty and the public into a belief of the confidence of this House in the present ministers, who have deceived parliament, disgraced the nation, lost the colonies, and involved us in a civil war against our clearest interests; and, upon the most unjustifiable grounds, wantonly spilling the blood of thousands of our fellow subjects.——*(Signed)*——

Manchester, Devonshire, Chedworth, Boyle, Craven, Scarborough, Effingham, Rockingham, Richmond, Torrington, Fitzwilliam, Archer, Thanet, Cholmondeley, King, Portland, Stamford, Ponsonby, Abingdon."

The King's Answer to the Lords' Address.] To the Address of the Lords his Majesty returned this Answer:

"My Lords;

"I receive with the most sensible satisfaction this Address, so fully expressive of your duty and loyalty to me. Nothing can be more acceptable than the assurances you give of your utmost support to enable me to re-establish order and tranquillity throughout all my dominions; and I shall most heartily concur with any measures that may tend to so salutary a purpose."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House,

Mr. *Acland* said: Sir, when I consider the importance of the subject brought under our consideration by the speech from the throne, that on our firmness or indecision, the future fate of the British empire and of ages yet unborn will depend; when I behold the eyes of all Europe fixed on the temper and first proceedings of this assembly, I cannot rise without feeling the inferiority of my own abilities, and dreading to sink under a burthen I find myself almost unequal to bear; but if the kind indulgence of this House will support me, I will beg its attention but for a few moments, and then conclude with moving a dutiful Address to the King.

Reflecting, Sir, on the present situation of America, so greatly altered since our last meeting, when I see her rising from her subordinate relation to this country, to the undisguised assertion of independence and empire; when I attempt to deduce the consequences that will thence flow, not only to this country but to all Europe, I confess I stand amazed at the extent of the object. But, Sir, however awful the situation of public affairs may be, I hold it to be the first duty of a great national assembly, deliberating on a great national concern, not to despair of the republic; for whoever, Sir, attentively examines the spirit of opposition that has been so long fomenting in America, whoever traces its course from its origin to its present enormous height, through all the various appearances under which artifice, passion and interest have alternately disguised it, must admit as I do, that the reducing America to a just obedience to this country is not without its difficulties; but he will conclude with me too, that where the interests of a great people are concerned, difficulties must be overcome not yielded to, nor are the difficulties superior to the strength of the nation that has to encounter them. Recollect the strength, the resources, and above all the spirit of the British nation, which when roused knows no opposition; let me remind you of those extensive and successful wars that this country has carried on before the continent of America was known; let me turn your attention to that period when you defended this very people from the attacks of the most powerful and valiant nation in Europe, when your

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armies gave law, and your fleets rode triumphant on every coast. Shall we be told, then, that this people, whose greatness is the work of our hands, and whose insolence arises from our divisions, who have mistaken the lenity of this country for its weakness, and the reluctance to punish, for a want of power to vindicate the violated rights of British subjects; shall we be told that such a people can resist the powerful efforts of this nation?

The steps hitherto taken by parliament have been marked by forbearance and moderation; for though it was well known that parts of America had been labouring to throw off the authority of this country, yet so unwilling was parliament to exert its arms, that during the last session it continued to proceed by the coercion of civil power, trusting that the infatuation of the Americans would at last cease, and the sword might remain peaceful within its scabbard: but the Americans reasoned differently; they took advantage of our inclination to peace to prepare themselves for war, and though it was contended at our last meeting that New England was not then in a state of rebellion, it cannot now be contended that America is not in a state of war. From the very beginning of this quarrel the point in dispute between us has been perpetually fluctuating, and whatever the original contest might be, it is now lost in a contest for independence and empire. That the Americans have been long contending for independence, I believe I am not the only gentleman in the House who is firmly persuaded; but now they hold a higher tone; presuming on a supposed invincibility of strength, they speak a clearer language.

The congress, in their observations on the conciliatory plan offered by parliament last year, triumphantly demand "what right Britain has to interfere with her government, since she does not interfere with that of Britain?" Is not this the language of an independent state? It is a language that might well become France and Spain, but which cannot be reconciled to any idea of obedience from a colony to a mother country. In the private intercepted correspondence of their leaders, we find them boasting "of their labours in modelling a new government; raising, clothing and subsisting a large army, creating a marine, and founding an extensive empire:" but their actions still more loudly declare their intentions than their professions; they have raised an army, they are creating a marine, and the continental congress, under the assumed power of its own self-created assembly, have issued bills on continental credit; they have made war too, in all its forms, on the people of whom they would wish to be independent.

The question is now, therefore, reduced into a very short compass: do gentlemen chuse to acquiesce in the independence of America, or to enforce their submission to this country by vigorous measures? We shall be told, perhaps, not only of the difficulties of such an enterprize, but of the few advantages we can draw from a country reduced by the calamities of war: but this argument has little weight with any one who considers, that the same force which is sufficient to subdue the disobedient spirit of America, is also sufficient and will be exerted to repair her losses, and alleviate her calamities. How soon were the mischiefs of the last war repaired! how soon was commerce restored, and industry reanimated in all parts of the world! But admitting this argument in its full force, admitting that America is regained, weakened and exhausted by the unnatural struggle; compare this situation with that of American independence; compare it with the perpetual loss of those exclusive advantages you have hitherto enjoyed in her trade; consider too, that the moment America is independent, she becomes the arbiter of your West-Indian trade, and a dangerous rival in many of the other branches of British commerce; from that moment the North American merchant becomes the rival of the British merchant in every part of Europe, Asia, and Africa, whilst the European, the Asiatic and African merchant, will be received as favourably as the British through the whole American continent: and I must maintain, that it would have been better for this country that America had never been known, than that a great consolidated American empire should exist independent of Britain.

Would gentlemen, not mutually reproaching each other for what has or has not been done, without passion and without prejudice, consider what the exigency of affairs requires now to be done, they will perceive, whatever its origin might be, to such a height is this dispute run, that no measures can be proposed that the Americans, confident in their own strength,

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would now accept, that would not terminate in real though perhaps not in nominal independence; as therefore there is no medium left between their submission and their independence, those who think it for the advantage of this country that America should be reduced to a due submission to its legislature, will of course strengthen the hands of the executive power for that constitutional purpose; those, if there are any such, who wish to see America independent, may live to lament the consequences of their misjudged partiality to that country, fatal to the interests of this, which ought to be, and I trust will be, the first and dearest object to the representatives of British freeholders. The hon. gentleman then moved an Address.

Governor *Lyttelton** seconded the motion. He expatiated on the necessity of strengthening the hands of government, if coercive measures were intended to be pursued. He compared America to a chain, the upper part of which was strong, and the lower weak; he explained this, by saying, the northern colonies, or upper part of the chain, were strong, populous, and of course able to make resistance; the southern colonies, or lower part, were weak, on account of the number of negroes in them. He intimated, if a few regiments were sent there, the negroes would rise, and embrue their hands in the blood of their masters. He was against any conciliatory offers being made; said this was the most proper time to speak out; and thought, at all events, the honour of the nation required coercive measures; that the colonies ought to be conquered, and then to have mercy shewn them; concluding, from Virgil, with '*parcere subjectis et debellare superbos.*'

Lord *John Cavendish* moved an Amendment in the same words, as the Amendment moved in the Lords by the marquis of Rockingham.

Sir *James Lowther* seconded this motion. He strongly urged the great impropriety and danger of vesting the important fortresses of Gibraltar and Minorca in the hands of foreigners. He condemned the Address throughout; attacked the whole system of colony government, and the measures arising from it; and with peculiar energy, urged the interest he had in the event of those measures, the stake he had to lose, and the motives which might consequently be supposed to influence his conduct.

The Lord Mayor, Mr. *Wilkes*, said: Sir, I entirely agree with the hon. gentleman who seconded the Address, that every man ought now to speak out; and in a moment so important as the present to the whole empire, I think it ill becomes the dignity and duty of parliament to lose itself in such a fulsome, adulatory Address to the throne as that now proposed. We ought rather, Sir, to approach our sovereign with sound and wholesome advice, and even with remonstrances against the conduct of his ministers, who have precipitated the nation into an unjust, ruinous, felonious, and murderous war. I call the war with our brethren in America an unjust, felonious war, because the primary cause and confessed origin of it is, to attempt to take their money from them without their consent, contrary to the common rights of all mankind, and those great fundamental principles of the English constitution, for which Hampden bled. I assert, Sir, that it is in consequence a murderous war, because it is an effort to deprive men of their lives for standing up in the just cause of the defence of their property, and their clear rights. It becomes no less a murderous war, with respect to many of our fellow subjects of this island; for every man, either of the navy or army, who has been sent by government to America, and fallen a victim in this unnatural and unjust contest, has, in my opinion, been murdered by administration, and his blood lies at their door. Such a war, I fear, Sir, will draw down the vengeance of Heaven upon this devoted kingdom.

I think this war, Sir, fatal and ruinous to our country. It absolutely annihilates the only great source of our wealth, which we enjoyed unrivalled by other nations, and deprives us of the fruits of the laborious industry of near three millions of subjects, which centered here. That commerce has already taken its flight, and our American merchants are now deploring the consequences of a wretched policy, which has been pursued to their destruction. It is, Sir, no less ruinous with regard to the enormous expence of the fleets and armies necessary for this nefarious undertaking, and of consequence the enormous supplies to be raised, so that we are wasting our present wealth, while we are destroying the sources of all we might have in future. An humane mind must

* In 1776 created lord Westcote in Ireland.

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contemplate with agony the dreadful calamities and convulsions, which are the consequence of every civil war, and especially a civil war of this magnitude and extent.

I speak, Sir, as a firm friend to England and America, but still more to universal liberty, and the rights of all mankind. I trust no part of the subjects of this vast empire will ever submit to be slaves. I am sure the Americans are too high-spirited to brook the idea. Your whole power, and that of your allies, if you add any, even of all the German troops, of all the ruffians from the north, whom you can hire, cannot effect so wicked a purpose. The conduct of the present administration has already wrested the sceptre of America out of the hands of our sovereign, and he has now scarcely even a postmaster left in that whole northern continent. More than half the empire is already lost, and almost all the rest in confusion and anarchy. The ministry have brought our sovereign into a more disgraceful situation than any crowned head now living. He alone has already lost, by their fatal counsels, more territory than the three great united powers of Russia, Austria, and Prussia, have together by a wicked confederacy robbed Poland of, and by equal acts of violence and injustice from administration.

England was never engaged in a contest of such importance to our most valuable concerns and possessions. We are fighting for the subjection, the unconditional submission, of a country infinitely more extended than our own, of which every day increases the wealth, the natural strength, the population. Should we not succeed, it will be a loss never enough to be deplored, a bosom friendship soured to hate and resentment. We shall be considered as their most implacable enemies, an eternal separation will follow, and the grandeur of the British empire pass away. Success, final success, seems to me not equivocal, not uncertain, but impossible. However we may differ among ourselves, they are perfectly united. On this side the Atlantic party-rage unhappily divides us, but one soul animates the vast northern continent of America, the general congress, and each provincial assembly. An appeal has been made to the sword; and at the close of the last campaign what have we conquered? Bunker's-hill only, and with the loss of 1,200 men. Are we to pay as dearly for the rest of America? The idea of the conquest of that immense continent is as romantic as unjust.

The hon. gentleman who moved the Address, says, "the Americans have been treated with lenity." Will facts justify the assertion? Was your Boston Port Bill a measure of lenity? Was your Fishery Bill a measure of lenity? Was your Bill for taking away the charter of the Massachuset's Bay a measure of lenity, or even justice? I omit your many other gross provocations and insults, by which the brave Americans have been driven into their present state. He asserts that they avow a disposition to be independent. On the contrary, Sir, all the declarations, both of the late and the present congress, uniformly tend to this one object, of being put on the same footing the Americans were in the year 1763. This has been their only demand, from which they have never varied. Their daily prayers and petitions are for liberty, peace, and safety. I use the words of the congress the last year. They justly expect to be put on an equal footing with the other subjects of the empire, and are willing to come into any fair agreement with you in commercial concerns. If you confine all our trade to yourselves, say they; if you make a monopoly of our commerce; if you shut all the other ports of the world against us, do not tax us likewise. If you tax us, then give us a free trade, such as you enjoy yourselves. Let us have equal advantages of commerce, all other ports open to us; then we can, and will, cheerfully, voluntarily pay taxes. You will have a free-will offering given with pleasure, not grudgingly,

It must give, Sir, every man who loves this country, the deepest concern at the naming in the Address foreign troops, Hanoverians and Hessians, who are now called to interfere in our domestic quarrels, not to dwell this day on the illegality of the measure, the danger and disgrace attending foreign mercenaries. The militia, indeed, are we are told to be now employed, and that noble institution is at present complimented by ministers, but we know they hate the very name of a militia, and that measure is adopted only because the embodying of these forces enables administration to butcher more of our fellow subjects in America.

Sir, I disapprove not only the evil spirit of the whole Address, but likewise the wretched adulation of almost every part of it. My wish and hope therefore is, that it will be rejected by the House, and that another dutiful, yet decent, manly Address

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will be presented to the King, praying his Majesty that he would sheath the sword, prevent the farther effusion of the blood of our fellow subjects, adopt some mode of negociation with the general congress, in compliance with their repeated petition, and thereby restore peace and harmony to this distracted empire.

Sir *Adam Ferguson* said, that if expeperience did not shew that scarce any question ever came before that House, without some variety of opinion, he would have flattered himself that, however much they had hitherto differed, they should now, at least, have come together with some degree of unanimity. That gentlemen should differ about some particular points of colony government, as, for example, how far it was expedient or inexpedient to tax America, considering how much that question was involved in difficulty, and how much could be plausibly said on the one side or the other, was not much to be wondered at: but it was matter of no small surprise to him, that they were still likely to differ in opinion, when the question was no longer confined to taxation, or to any particular exercise of the authority of Great Britain, but extended to the very being of the sovereignty itself, and to those rights of which this kingdom had been in possession ever since the existence of the colonies. The honourable magistrate who spoke last had said, that the congress had declared they did not aim at independance. They certainly had done so in general terms: but how did their particular claims correspond to this general assertion? He was afraid, if these were examined, it would appear that the pretensions of the congress went the length of a total exemption from the power and authority of parliament.

They had declared in the most express terms, that parliament had no right to intermeddle with their provisions for the support of civil government, or the administration of justice. Their language was, that while parliament pursued its plan of civil government within its own jurisdiction, they insisted upon pursuing theirs without molestation, plainly claiming an authority in each of the colony assemblies, exclusive of that parliament. An exclusive right of legislation in all matters of internal policy had been, in the most express terms, asserted by them, and not only the late acts of parliament more particularly complained of, but every other which touched upon the internal polity of the colonies, had been treated by them as unjust encroachments of parliament upon the rights of a legislature as independent as itself.

In military matters, their pretensions were equally extravagant. They expressly denied that Great Britain had a right to keep a single soldier in the whole extensive continent of America, without the consent of the legislature of that colony where the troops were kept. With regard to revenue, had not a declaration been made, in words intelligible to all mankind, that America never would be taxed by parliament, unless they refused to contribute their proportion to the common expences of the state? They even knew, that any reasonable sum would be accepted of; but they would not gratify this country so far as to say that they would contribute a single shilling. The only particular in which they seemed inclined to admit the authority of parliament was in what related to the regulation of their trade: even with regard to that, they expressed themselves with a sufficient degree of caution; but in every thing else they asserted an absolute independence on parliament.

In what manner things had been brought to that unhappy dilemma, did not seem the proper object of their present enquiry. The present object was to remedy the evil. Were he to give his opinion upon that subject, he should be apt to say, that the fault did not so much lie in this or that particular set of measures, as in that variable and fluctuating conduct, which cannot be altogether avoided in a government such as ours, and which had remarkably prevailed with regard to America. He should be apt to say, that no ministry, since the time of the Stamp-Act, had been altogether free of blame: but he should at the same time add, that, perhaps more than any ministry, those had been to blame, who, not satisfied with expressing their disapprobation of particular measures, had argued, both within and without doors, against the authority of the supreme legislature itself; who, from an excess of zeal in support of America, seemed too much to forget the interest of the mother-country; and, from an apprehension lest the colonies should be ruled with too heavy a hand, seemed inclined to adopt measures which had a tendency to exempt them from the dominion of Great Britain altogether, and to erect

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them into so many sovereign independent states.

But instead of investigating the causes of the evil, it was more material now to consider what was proper to be done to remedy it, and in this he saw but one choice, either to support with vigour the authority of Great Britain, or to abandon America altogether. Some speculative men have said, and published their opinions to the world, that it would be no such fatal stroke to Britain as is generally imagined, were America to be abandoned altogether: he had not opinion enough of his own foresight to say with certainty what the consequence would be, but so much benefit he had reaped from these speculations as to hope that the prosperity of Great Britain would not be desperate even were such an event to happen. But who would be bold enough to advise such a measure? and who could, with certainty, answer for the effects of it? If no person would, what remained, but that they should exert every nerve to reduce their rebellious subjects to obedience? After they had reduced them, and convinced them of their inability to resist the power of this country, then, and not till then, would be the time to shew them all possible indulgence. Any further concession now would be considered as extorted from them by their fears, not as the voluntary effect of their favour.

But can this country reduce them to obedience, or must the contest be given up for want of power? If it must, there is no help for it: but, at least, let us put it to the trial; for his own part, he could not entertain a doubt of it; he did, indeed, see that those were mistaken who said the Americans would not fight: but those were at least, as much mistaken, if there were any such, who would entertain a doubt of their being reduced by a proper exertion of the power of Great-Britain. As he could not doubt of the strength of Great Britain to reduce them, so he hoped if that strength was exerted it would be done effectually. If a force is sent to America, both prudence and humanity required that it should be such a one as, humanly speaking, would carry its point. The error hitherto had been to have too small a force there; to continue the same error still, was to protract the horrors of a civil war. He did not mean merely that such a force should be sent as would be sufficient to beat their opponents; it ought to be such a one as would deprive them of all idea of resistance. These being his sentiments, he could not possibly give his assent to the Amendment.

Governor *Johnstone*. Sir, the speech of the hon. baronet is very much like that we have just heard from the throne, full of assumed false facts and general undisputed axioms, which the people in America are as ready to close with as their adversaries on this side. For instance, the hon. gentleman says, "the Americans had some reasons for their conduct in the first of those disputes; but now they have refused their just proportion of taxes, by rejecting lord North's conciliatory proposition of last year, and resisting the constitutional authority of parliament, he is ready to devote them to destruction." Who does not see that the whole question, even according to this hon. gentleman, turns upon just proportion and constitutional authority? Now I deny that the people of America have ever refused to contribute their just proportion, when called upon in a constitutional way, and those who assert the contrary ought to prove it. If the hon. gentleman vindicates the severity of his conduct against his fellow subjects in America, for rejecting the proposition of last year, I think he rests on as feeble ground as any man ever stood. How does he vindicate the severities in which he concurred before it could be known whether the subjects in America would accede to this marvellous indulgence or not? His mind must have been strangely biassed to the noble lord, if this could turn the scale of his reason. I really thought this foolish piece of paper had been so universally condemned, that I should never again have heard any arguments founded on so flimsy a foundation. The purpose was clearly to amuse the people on this side the Atlantic, and to divide the people on that. Having failed in its effect, I understood from many friends of government, that every rational argument in support of the proposition had been reprobated: for what, indeed, can be more truly ridiculous, than in a dispute concerning the power of taxation, seriously to say to a sensible people, We admit there are many unanswerable reasons why this assembly are unfit to impose taxes upon you, and therefore, if you will only tax yourselves to our satisfaction, we will forbear the exercise of a right to which we declare by the proposition we are incompetent. But some men will say the parliament can judge sufficiently well of the gross sum, though

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unfit and incapable of determining on the manner in which it is to be raised. Who that is accustomed to reason accurately, does not perceive that the estimate of supply must be regulated from a thorough knowledge of the ways and means, and that they are united in common sense, as well as by the English constitution, to reside in the same persons. But the hon. baronet forgets that the main argument which drew the concession of the conciliatory proposition turns on this: the Americans have no representatives in the British parliament; they have not the security of other subjects residing in Britain, who may not be represented, namely, that the members in taxing them must tax themselves; on the contrary, it is the interest of every member to lay as much as possible on America to ease himself. This was the consideration which "drew iron tears from Pluto's cheek," and has affected so many members not remarkably tender towards the feeling of their fellow creature. But let us consider if this irresistible objection, as it has been called by one of the friends of administration, against taxing America by the British parliament, does not equally apply, when we approve of the sum offered, and tax them in the lump, as when we tax them by detail.

However, Sir, absurd as this appears, it is not my capital objection to that mode of raising money, nor is it the objection of the Americans; they maintain the power of giving and granting their own money by their own free and voluntary consent, is the only security they can retain for the just administration of government, at so great a distance from the seat of empire. That it is the main spring in their several establishments upon which the meeting and power of their several assemblies depend, from whence the singular prosperity of the British colonies, above all others on the face of the earth, have flowed. They admit you have the power of limiting the means, by which they may acquire property, but they deny you the power of disposing of this property, after it is so acquired. Thus in his Majesty's Speech the same general undefined axioms prevail. "To be a subject of Great Britain, with all its consequences, is to be the freest member of any society in the known world." All America, with one voice, agree in this truth; their writings and their actions proclaim their belief: but they maintain, as I assert in their behalf, that one of the unalienable consequences of that situation, is the giving and granting of aids for the support of government, according to the exigency that shall appear to their own understanding: and that to tax them in an assembly where they have no representatives, and by men who have no interest in the subsidy they impose, is contrary to the spirit of the British constitution, and in its consequences must deprive them of all the essential rights of a British subject. Another essential right of a British subject is trial by jury; has not this been abrogated in many cases by the late acts of parliament, and totally destroyed in all civil causes in the extensive province of Quebec? The writ of Habeas Corpus is another essential right of a British subject; has not this also been done away? I forbear to enumerate the other oppressive proceedings, contrary to the whole tenor of our government, dissolving of charters without evidence, trial, or forfeiture; laws to deny the natural gifts of the elements, confounding the innocent with the guilty; because when once the three great pillars of the British constitution are removed, taxing without representatives, trial without jury, imprisonment without relief by writ of Habeas Corpus, the whole must necessarily fall into confusion, and the rest is not worth contending for. The people in America wisely foresee the suppression of all their rights, in the train of those iniquitous innovations. They perceive that every thing which is dear to a freeman is at stake, and they are willing, as becomes the children of their ancestors, to put all to the risk, and sacrifice their lives and fortunes, rather than give up the liberty of a subject of Great Britain, with all its consequences. The hon. baronet has concluded his speech with another reason for inducing us to join in the coercive measures proposed by the Address, which is still more extraordinary, saying, "Whether we succeed or not may be uncertain; but if we fail, we shall even then be no worse than we were." These are the very words of the noble lord on the Treasury bench last year. I am persuaded the worthy baronet has words of his own so much at will, that he borrows from no man; but I am more surprised he can sanctify such opinions by his voice. If America is forced to invite foreign powers to share in her commerce; if she is drove to the necessity of following the example of Holland and Switzerland; if our armies are destroyed, our fleets wreck-

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ed, our treasures wasted, our reputation for justice and humanity lost, our senates corrupted by the emoluments which must fall to individuals, in the prosecution of so expensive a war, and 4*s*. land-tax entailed on us for ever, will the hon. gentleman say we are only where we were? What objects can call the attention of the House in a stronger degree than those I have enumerated? And yet they are all involved in the question now before you, if you reject the amendment proposed. I say, it is unfair in administration, and an affront to every individual member of the House, without any information laid on your table, without evidence brought to your bar, destitute of every material by which a rational creature can resolve, to require he should give his unlimited sanction to measures of such moment, on the very first day, perhaps, of his arrival in town. The reason is obvious to me. The minister clearly perceives, if men were acquainted with the real state of things in America; if they had time to acquire information, to reason and reflect, that all men of generous feelings would leave him, and even his most desperate followers might be shaken: men are to be brought to this black business hood-winked; they are to be drawn in by degrees, till they cannot retreat. On the one hand, a dutiful Address to his Majesty, full of those general assurances of loyalty and respect becoming subjects to the first magistrate, is offered to your determination: on the other, a hasty approbation of measures you have had no time to consider, from men you have every reason to suspect, lies before you. Is there a man who feels the dignity of his situation, that can hesitate in his choice upon such an alternative?

I shall now expose to the House the false facts which are assumed in his Majesty's Speech, as composed by the minister. First, the minister tells you he has called you early together. This I deny. The commencement of open hostilities was in April, the battle of Bunker's-hill in June, and the petition from the congress in July; they severally arrived in England within five or six weeks after the events. Now I maintain, as a member of parliament intrusted with a voice in the supreme authority of the empire, that I am called late to deliberate in the national council on such great events. The next notorious untruth is, that the Americans are collecting a naval force. The third assertion, that the Americans meant only to amuse by vague expressions of attachment to the parent state, is equally injurious to their honour and to truth. This can only be inserted as an excuse for the bad conduct of administration and their ill success. The Americans told you in language the most direct and simple, again and again repeated, that they would resist to the last appeal those arbitrary innovations: but you affected not to believe them; nevertheless, I maintain, the armaments were calculated to resist men in arms, and the insufficiency arose from a total ignorance of the force, character and dispositions of the people in America, as well as a misconception upon the effect the several restraining bills passed last session would produce: in short, from a perfect ignorance of the operations of cruelty and oppression on high minded men, acting under the spirit of freedom. All their knowledge seems to have been drawn from one source, that of governor Hutchinson. The civil war now raging in America seems, step by step, to have been carried on by his advice. Whoever reads his letters, lately published in America, sees every measure pursued by administration to have been antecedently pointed out by this gentleman in his confidential correspondence, until his sentiments seem dictated at last more by revenge and disappointment than any other principle; what confidence should be placed in the advice of a man who has declared in the cool moments of committing his reflections to paper, that every Machiavelian policy is now to be vindicated towards the people in America? I am here supposing the letters in my hand to be genuine, and there is little reason to doubt their authenticity, as they remain uncontradicted. It matters not to me, as a judge, how they were procured. The only question respecting my opinion on the conduct of Mr. Hutchinson at present is, are the letters genuine or not? For in this I always differed from the lords of the council, who determined on the complaint of the province of New England against governor Hutchinson, on the former letters they discovered. The lords of the council laid the whole stress on the manner in which the letters had been obtained. No man could admire the abilities of the advocate more than I did on that occasion; it was his business to inflame the passions, to cover the turpitude of governor Hutchinson's conduct, under crimes of a greater dye: but it was shame-

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ful in the judges to be led away, it was unworthy the discrimination so necessary to that character, to mingle the manner of obtaining the letters with the fact they were brought to prove. I shall suppose the letters had been obtained as infamously as the Essay on Woman,* and more infamously it is impossible; yet my judgment on the conduct of a governor writing to men in high authority, on the political affairs of his province, and concluding as his advice, that the liberty of British subjects must be abridged, would not have been altered from that circumstance. And here I must avow my sentiments as freely as governor Hutchinson has communicated his, that any officer in government, much less the supreme magistrate, entrusted with the preservation of the rights of every individual in his province, who could entertain such sentiments, is unfit to be employed in any office, civil or military, after a fact of so heinous a nature against the constitution being fully proved. I am confident our ancestors, instead of giving such a man an enormous pension, would have inflicted the punishment he deserved, which I think should have been an address to the crown, that he might never more have been employed in the service of the public.

I know there are many men high in favour who are for abridging the liberties of the people in the colonies. My system, on the contrary, is for preserving them sacred and inviolate, according to their several ancient institutions, the variety of which forms the harmony and beauty of the whole. There is no middle institution, as in this country, to balance between the people and the crown: the assemblies are their only barrier; they are, therefore, the favourite institution of the people; to them they look for protection against the exactions, oppressions, and extortions of governors, and are, on that account, cautious and jealous of any infringement that shall diminish their power. The hon. gentleman who seconded this Address has been long employed as his Majesty's representative in the colonies, first in Carolina, and lastly in Jamaica; every thing he offers to this House must derive great weight from these circumstances; his abilities are undisputed. I have not the honour of knowing him; but I have heard his talents universally acknowledged. Having been on the spot in some places, it must give him many additional advantages, for I maintain it is impossible for any man who has not seen with his own eyes, and heard with his own ears, to know equally well the manners, customs, dispositions, and other circumstances necessary to form a true judgment on the present contest with the colonies: but it is also necessary to know some leading circumstances respecting the person who offers his information and advice, before we hastily concur in his opinion. The hon. gentleman says, "it may appear strange, that he who has grown grey in the service of America, should now appear among the first to propose those coercive measures, which by some are termed cruel and harsh," but this he excuses from his humanity: I say, it may appear strange to some who are not acquainted with the history of that gentleman's administration so well as I, that he should take this forward part. But here I premise, that I do not enter into the merit of the dispute which that gentleman had with the assembly of Jamaica, because it is beyond my present argument; all I assert is, that he had an unfortunate dispute with that body, which lasted two years; that, during this period they would do no business with him, or raise any money; that he dissolved the assembly more than once, and still a great majority were found against his measures; that he was at last recalled, and a successor appointed, who cancelled his proceedings, upon one of the most unfortunate representations that ever attended any man on leaving his government: I am, therefore, not surprized that the hon. gentleman should be inimicable to American assemblies, or that he should be ready to join with those who have found out a shorter way of governing them, than by the general sense of the people, seeing they are so troublesome, on many occasions, to the repose of a governor.

The hon. gentleman has given us some account of the debilitated state of men in the other provinces he had the honour to command, and hinted at means for subduing their spirit, in a manner which inclines me to believe he has not left many more friends behind in that colony than in Jamaica. Administration has been so much misled by those partial and illiberal accounts of men in the gross, that I dare say they will be cautious how they trust to such intelligence again. Neither my

* See Vol. 15, p. 1346.

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reading or observation give me leave to think the people in Carolina will be behind any of the colonies, in supporting and defending rights which are so essential to securing every thing that is dear to them as British subjects. The hon. gentleman had occasion to lead them to war on a certain occasion; I wish he would tell the House how they behaved. If southern climate has such strange effects in enervating the human frame, give me leave to hope at least that the hon. gentleman has escaped this contagion. The other scheme he alludes to, of calling forth the slaves, is too black and horrid to be adopted; neither would it answer, if administration were wicked enough to make the attempt: the state of slavery cuts off all the great magnanimous inventive powers of the human mind, but it rather strengthens fidelity and attachment; the Roman history fully confirms this: amidst the multiplied treachery of friends and relations, amidst the greatest temptations, during the corruptions of that government, the slave was seldom or ever unfaithful to his master. The principle lies in human nature. Where mankind are deprived of the means of getting subsistence, where they are accustomed to look up to another for food, raiment and protection, they insensibly forget the original injury they sustained, and become attached to their master. In general, I must also observe, that masters are kind to their slaves. It is not he who uses the scourge and the whip, which the hon. gentleman has mentioned, that is the first to put the musket on his shoulders in such glorious contests as these. It is not he who tortures and frets his fellow creatures; but he who feels that universal benevolence which extends his affections to all men in their several stations; who feels the spirit of equality, who knows the principles of liberty, who understands the consequence of those rights, without which we are always worse men and worse subjects, and who is willing, for the benefit of children yet unborn, to seal the truth of his doctrine with his blood. It is not to men of this temper that slaves will prove unfaithful. I shall rather expect to see them flock round his standard, though I admit the experiment is too dangerous on either side. I say again, the whole of our blunders, oppressions and mistakes in these unfortunate disputes, have arisen from ignorance in the first principles of government; gross ignorance in the several constitutions of the colonies; ignorance in the power we could apply to subdue them, and still greater ignorance of the end to be obtained by such an attempt. To each of those I will severally speak. I say it demonstrates a perfect ignorance of the history of civil society, to assert (which is the captivating argument used in this House, for breaking down all the barriers of liberty in America) that two independent legislatures cannot exist in the same community, and therefore we are to destroy the whole fabric of those governments which have subsisted for so many years. Mankind are constantly quoting some trite maxim, and appealing to their limited theory in politics, while they reject established facts. I say, a free government necessarily involves many clashing jurisdictions, if pushed to the extreme. I maintain this species of government must ever depend more on the spirit of freedom that first established it, than on all the parchment you can cover with words. I aver that in the most active triumphant common-wealth which ever appeared on the stage of the world, two distinct legislative authorities did actually exist: the *comitia tributa* and the *comitia centuriata*. The whole government of Athens would appear as containing so many ridiculous paradoxes to those wise politicians. The actual state of Holland, where every town is a distinct government within itself. The deliberations of the states general, where no money can be raised unless the whole are unanimous. No new laws made or any old repealed against one dissenting voice; all these would appear impossible to such politicians who are ever supposing mankind ready to destroy themselves: nevertheless the facts are equally certain. If the best parts of our constitution were to be stated to a foreigner; the trial by jury, where twelve men must be unanimous in their opinion, in causes the most intricate and nice, where even the ablest counsel differ in opinion, he would be led to imagine justice might stand still; yet we all know nothing proves so easy in the execution. The danger of pushing things to extreme, makes the good sense of men prevail, while the power of resisting in every individul juryman, prevents prejudice and injustice from trying their strength on matters that are not tenable. The springs of a free government are not obvious to every understanding, while the meanest foot soldier knows all the powers of despo-

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tism. Here the supremacy of the magistrate solves every question. In the same manner the advantages derived from America, in the circle of commerce, are not so evident to a vulgar understanding, as so much palpable cash paid into the exchequer. For this reason I am ready to forgive those who differ with me in opinion, concerning this American contest. It demands a process of reasoning to which common understandings are not generally accustomed. I should not be surprized if half the people in England should at first join against the Americans; national prejudice, pride, false glory, and false arithmetic, all contribute to deceive them; but that any man assuming the character of a statesman, should proceed in this mad career, to destroy in a few years that beautiful system of empire our ancestors have been raising with so much pains and glory; first under the false pretence of raising a revenue, and next under a more false pretence that America wishes to throw off her just dependence on Great Britain. This, I confess, does surprize me. For this reason my indignation chiefly rises against the noble lord on the floor; I am willing to acquit all his colleagues and most of his followers, even if they had not the interested motives of places and pensions to bias their judgment; but that the noble lord, who yearly considers the riches that come into the public treasury, who knows and can trace all the circuitous channels by which riches flow into this country, that he should place no more to the credit of America than the paltry sum collected by his insignificant commissioners, and endeavour to mislead others by such assertions. This, indeed, is beyond belief. When the noble lord is pleased to take the other side of the argument, what abundance of wealth does he sometimes pour forth in the most copious flow of eloquence. When he supports this rugged coercive system, how he labours and flags nothing but sounding words and unmeaning phrases. The dignity of parliament! now I say this is the best supported by humanity and justice, and maintaining the freedom of the subject. The supremacy of the legislative authority of Great-Britain! this I call unintelligible jargon; instead of running the different privileges belonging to the various parts of the empire into one common mass of power, gentlemen should consider that the very first principles of good government in this wide-extended dominion, consist in sub-dividing the empire into many parts, and giving to each individual an immediate interest, that the community to which he belongs should be well regulated. This is the principle upon which our ancestors established those different colonies or communities; this is the principle on which they have flourished so long and so prosperously; this is the principle on which alone they can be well governed at such a distance from the seat of the empire. Yet we are breaking through all those sacred maxims of our forefathers, and giving the alarm to every wise man on the continent of America, that all his rights depend on the will of men whose corruptions are notorious, who regard him as an enemy, and who have no interest in his prosperity, and feel no controul from him as a constituent. The most learned writer on government has defined civil and political liberty to consist in a perfect security as to a man's rights; after the acts of parliament of last year, can any man on the great continent of America say that he feels that security? Could any thing less than a dread of losing every essential privilege, have united a people so divided in customs, manners, climate, and communications? Could any thing less than an entire want of policy, a species of political phrenzy here, have produced this wonderful effect? You blame the Americans, but do not consider the next step which your conduct necessarily drives them to. You assert they aim at independence; I assert they wish for nothing more than a constitutional dependence on Great-Britain, according as they have subsisted from their first establishments, and according as Ireland depends on the British legislature at this moment. Can any man who knows the power of the crown in the legislative and executive parts of our colony government, who understands the force of the several Acts of Navigation, who knows the incitements and attachments by the education of youth in this country, who knows what would be the effects of mixing the colonists in our fleets and armies, and every other office in our government; who considers the effects of appeals in the last resort to his Majesty in council; who knows the power of his Majesty in annulling laws made in the colonies within three years; who perceives the advantages that every part of the empire derives from the prosperity of the other; who is there, I say, capable of digesting those thoughts, and can entertain the ignoble jealousies daily expressed against the Americans, or

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show any motive why the people in America should break the bond of union with this country for ages yet to come, unless driven to that extremity by following Mr. Hutchinson's advice in abridging their liberties, which is as much a part of their birthright as of any man living and born in England. The nature of government will not allow us to define what are the precise points where resistance may be made to the governing powers; but will any man conclude from thence that acts of King, Lords and Commons ought not to be resisted, if they should sap the fundamental principles of the constitution? Nothing but the general feeling of the community can determine the point; and was ever the sense of a people so unanimous on any subject? I declare, upon my honour, I have not conversed with one man from America (and I have chiefly sought out the friends of administration) who have not universally agreed, that all America is unanimous in resisting the power of taxing them by the British parliament where they have no representatives; that they will never yield this point; that in case they were made easy on this point, and secure as to their charters, on which their property depends, they would immediately return to their duty and obedience. This I aver to be the universal report and opinion of all men with whom I have conversed from America. If any one disputes the truth of my assertions, I now defy him to bring any evidence to contradict me, and I now undertake to bring men of the best characters in support of what I aver. But respecting general opinion, I still go further; I maintain that the sense of the best and wisest men in this country, are on the side of the Americans; that three to one in Ireland are on their side; that the soldiers and sailors feel an unwillingness to the service; that you never will find the same exertions of spirit in this as in other wars. I speak it to the credit of the fleet and army; they do not like to butcher men whom the greatest characters in this country consider as contending in the glorious cause of preserving those institutions which are necessary to the happiness, security, and elevation of the human mind. I am well informed, that the four field officers, in the four regiments now going from Ireland, have desired leave to retire or sell out. I do not mean to say, that the soldiers or sailors in America have shown any signs of cowardice, this is below their spirit; I only assert they in general proclaim it a disagreeable service; most of the army feel it as such; that numbers have not deserted is owing to their situation. There is a wide difference between the English officer or soldier who barely does his duty, and the general exertions of the New England army, where every man is thinking what further service he can perform; where every soldier is a Scævola. To a mind who loves to contemplate the glorious spirit of freedom, no spectacle can be more affecting than the action at Bunker's hill. To see an irregular peasantry commanded by a physician: inferior in number: opposed by every circumstance of cannon and bombs that could terrify timid minds, calmly waiting the attack of the gallant Howe, leading on the best troops in the world, with an excellent train of artillery, and twice repulsing those very troops who had often chased the chosen battalions of France, and at last retiring for want of ammunition, but in so respectable a manner, that they were not even pursued. Who can reflect on such scenes, and not adore the constitution of government which could breed such men! Who will not pause and examine, before he destroys institutions that have reared such elevated spirits! Who is there that can dismiss all doubts on the justice of a cause which can inspire such conscious rectitude? The conduct of the people of New England for wisdom, courage, temperance, fortitude, and all those qualities that can command the admiration of noble minds, is not surpassed in the history of any nation under the sun. Instead of wreaking our vengeance against that colony, their heroism alone should plead their forgiveness. What my worthy friend (Mr. Burke) said last year of their industry, may now be applied to their warlike achievements. Consider the power of such materials in the hands of a minister who knew how to encourage their industry, and apply their courage to the purposes of national defence: but all the secret of our colony government is now reduced to mere force, the baneful engine of destructive despotism; nevertheless it is with pleasure I perceive the force of this country, when wielded in such a cause, is totally inadequate; your own army is not sufficient; your illegal application for foreign mercenaries at the beginning of the contest, sufficiently shews your weakness; your navy is equally incapable of effecting the purposes which are ex-

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pected from it. It may ruin their foreign trade; it may destroy some of their towns (though that is doubtful) but the lying in their rivers, as some suppose, without a superior military force to protect them on shore; I say as a sea officer, if the war is thoroughly kindled, the thing is impossible. We are apt to judge from what happened at Quebec, where the French, never remarkable for naval enterprize, though naturally brave, quitted their fire raft, and left it to the chance of the stream, or to be towed off by boats; but this I maintain, that any fleet lying in a river where they cannot command the shore, that such fleet is liable to be burnt if the people are willing in that enterprize to run the same risk of life and danger to which the crew of the ships are exposed, I mean by sticking by the fire vessel, whatever she may be, till with wind and stream they lay the enemy athwart hause; and who can doubt that the people in America are capable of such exertions of courage when we see them refuse quarter, when we find them devoting themselves to death with such enthusiasm? Another circumstance respecting ships is not generally known. The wonders they have hitherto performed has been owing to the ignorance of engineers in placing their batteries; but I am afraid the secret is now out as to their power against the shore, without a military force to assist them; a single gun in a retired situation, or on an eminence, or a single howitzer, will dislodge a first rate man of war, and may burn her, to add to the disgrace. I speak this publicly, that you may not expect more from the sea service than it is capable to perform. Ruin their trade you certainly may, but at an expence as ruinous to this country. Has any of the ministry considered the immense expence of such naval armaments on the coast of America, in transports and ships of war? Have we calculated the chance of destruction by those horrid streams of wind peculiar to that coast, that sometimes sweep all before them? Where are the resources on which this country can depend in case our empire in America is lost? I do not say you will feel the disadvantage immediately, I know the various channels to which commerce and industry may divert their streams; I am also certain that the wants of America must be supplied in some way or other with certain goods from Great Britain; I further know, that a nation can only trade to the extent of its capital, and in case one vent is cut off, it will probably find another, while its manufactures are cheaper and better than those of other nations. I believe such to be the case with many branches of our manufacture at present, but is it possible it can long continue? Must not the same laws of nature follow this commercial country that has affected Venice and Genoa, the Hans Towns, and other commercial states? The acquirement of wealth must produce dearness in living; dearness of living must produce dearness of labour; dearness of labour must produce dearness of manufactures; dearness of manufactures must conduct trade to some place where cheapness of living will give the preference in the markets. Thus the circle of commerce has hitherto run: but the settlement of North America under the old establishment, seemed to defy the powers of those fleeting principles. America was bound to take your manufactures only to whatever price they might rise; you were bound to take most of her raw materials and to give her commerce protection; a complete system in the exchange of all commodities was established within your own dominion, which might last beyond the views of human calculation, if properly conducted. This is the great purpose to which I look up to America as a naval and as a commercial power; how often have I indulged myself in these thoughts, unable to see the end of our glory from the same causes which have destroyed other states, little dreaming that one infatuated minister could tempt, seduce, and persuade a whole nation to cut the strings of such harmony. The hon. gentleman who opened the debate, has remarked how we recovered from the interruptions of our commerce during the last war. The hon. gentleman forgets that we had the free and interrupted resources of America during the last war; that in seizing the ships of our enemies we added to the national wealth and increased our own commerce; the progress was double, here it runs in an inverse proportion, no man knows the final effects as yet; like the bursting of a burning mountain, it is sport and play to the distant spectators who think themselves safe, but the eruption may spread to cover this city in ruin.

I come now to consider the consequence of all those measures, supposing we should succeed. If national strength is to be calculated from the fitness of every part to preserve and improve the

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advantages of their constitution and to support their country in pursuit of its objects. If institutions that secure property and prevent oppression, encourage the settlement of families, and facilitate the rearing of children, are the most favourable to mankind and therefore to be protected and preferred, as the best writer on government has asserted, surely the establishments of the English colonies, as excelling all others which have appeared in the history of the world, deserve to be revered in this respect. But a success in the present war, after destroying all the principles which have produced those glorious effects in civil society, must leave the country desolate, must spread through that wide dominion, forfeitures, executions, change of property, military oppression, and every misery that can engender hatred and distract mankind. But these are but temporary evils, in comparison to the last dreadful catastrophe. It must establish a military despotism in the colonies, which the revenues of an oppressed people never can pay. An army that the men of this country can never supply, which therefore foreign mercenaries must fill, and all this with additional powers in the crown, that must end in the subversion of the constitution. I make no doubt many men labour in the support of this business, purposely to effect that end. The contentions in a free government do not accord with their feeble, corrupt, luxurious dispositions. That the spirit of the people should so long lie deceived by their arts and management, is to me astonishing. I shall wait patiently some farther calamity, for no reasoning on the certain progress of things in a growing empire can affect their narrow minds. That this may soon happen in a small degree, as the only means of saving the dissolution of the whole, I sincerely wish, for the good of the public; misfortunes if duly watched are oftentimes as profitable to an unfeeling multitude as they are useful to private individuals. But let those who now encourage measures that must inevitably end in such dreadful calamities, beware of the turn of the tide. Let them look into history, and remember the fate of cruel, oppressive and arrogant statesmen. Let even kings attend to the examples which history presents on this subject—but I blame not them; it is unnatural for beings, with human passions, placed in such high situations, mixing little with men, and generally deceived, to bear contradiction to their will, and opposition even to their arms, with any degree of patience: irritation and resentment must be the consequences; encroachments on their part often proceed from a conscious rectitude of their own intentions: but the people I do blame are the members of this House, placed as the guardians of the people's rights and privileges, daily sacrificing them to some interested motive. Let any one consider all the national advantages that can be drawn from colonies, and ask his own heart, if we have not hitherto drawn, and may not in time to come draw all these from the ancient constitution. To what motive, then, can these innovations be imputed? I have shewed you the bad consequences in proceeding; shew me the good you propose from slaughter and devastation; that the paymaster of the forces should urge you to those measures; that the treasurer of the navy should press for large equipments; that contractors, jobbers, dealers in scrip, and all those who fatten on public supplies, should eagerly concur, this I can easily imagine; but that a landed gentleman should give his consent to rush into a civil war, that must entail 4*s.* land-tax on his estate for ever, that must drain him of men and money, and all the resources of naval power, to protect his country against those neighbouring powers who will, in all human probability, attack him when defenceless and exhausted; in a contest that must end, on whatever alternative, in lowering the value of his estate: all this exhibits a degree of infatuation, beyond example in my little reading, and can only be accounted for from the revival of ignoble party-distinctions, gratifying resentments at the expence of their country. Have the country gentlemen ever considered the expence of maintaining a war across the Atlantic? Have they considered the expences of a fleet? Have they calculated the amount of transports? Have they thought of feeding an army with porter, sheep, and sour-crout across a tempestuous ocean? I am told a curious spectacle of such management has lately been exhibited in the Downs, where floating carcases of dead sheep have marked to passing nations the folly of such attempts. The project of sour-crout has, indeed, one circumstance attending it that gives me pleasure—I understand the contract is given to one of the worthiest men in the community; at the same time such maga-

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zines are new in my notions of war; it may be a proper preparation for a Russian army, but I believe English soldiers will hardly be delighted with such griping food. The project of calcining ice into gun-powder is not more truly ridiculous! I shall suppose, then, for a moment, that war with America is really necessary: yet will any man allege, after such gross mismanagement in every part, that these are the proper men to carry it? Has there been consistency in any part of their conduct? Has one scheme they have offered succeeded? Has not every one produced a contrary effect? Have they not been told so at the time of passing their various laws? Have they been checked in any of their intentions? Has any uncommon accident of wind or weather been unfavourable? Can our affairs be possibly in a worse situation? Do they state any rational plan of ways and means, by which we are to extricate ourselves? If after answering all those questions in the spirit of truth and justice, this House will still persist in supporting such feeble ministers of so mighty an empire, I must submit to a majority, but with this melancholy consolation, when the day of tribulation shall come, that at least my feeble endeavours were not wanting to prevent the impending mischiefs; nor has my voice been lent on any occasion in support of oppression. Other gentlemen of a contrary opinion to me, have declared tney give their opinion for more coercive measures, from motives the most pure and disinterested: I declare I give my opinion against them, from the sincerest belief, they are oppressive and unjust. I am now at an age when my character must be fully known. A conduct in life that has not flattered the passions of men must have frequently called forth the examination of many with keen resentments: but I here defy any man to say I was ever actuated by interested motives during the course of my life. My conduct at present is influenced from a conscientious belief, that the greatest good any man can perform, is to preserve institutions favourable to the freedom of mankind; the greatest evil they can commit, is to destroy them. In that belief I heartily vote for the amendment, and to the utmost of my power oppose this sanguinary Address.

Mr. *Rice* said generally, that the conquest of America was a popular measure in England.

Lord *Stanley* rose, in the name of the freeholders of Lancashire, to avow the addresses from Manchester, &c. which he was well persuaded was the sense of the freeholders at large.

Mr. *Temple Luttrell.* Sir; we might reasonably suppose, that the ministers who had a hand in fabricating this voluminous speech, would be impatient to obtain our approbation and thanks as representatives of the community in general, in the name of the people of Great Britain, who are our actual constituents; in the name of the people of America, who, as they tell us, are our virtual constituents. Those evil counsellors who have so long poisoned the ear of the sovereign, would now make us believe they have perverted his principles also; they wish us to consider the speech before you as conveying his Majesty's own sentiments. Sir, we know that to be impossible. Our King is too humane, and too well acquainted with the history of this country and its constitution, with the memoirs of the Stuart race, and of his own illustrious house, to imbibe the despotic doctrines here imputed to him. His Majesty knows, that whenever either of the three estates of this empire, or the whole in conspiracy together, shall arrogate power to which they are incompetent, such as infringing the original rights and liberties of the people in any part of the British dominions, it is the exertion of such power, not the resistance to it, which constitutes rebellion. If this be not the case, the glorious Revolution was, above all rebellions upon record, the most atrocious.

We who are the deputies of the people, ought faithfully to impart to his Majesty the real wishes and dispositions of his subjects. As the first counsellors of the crown, it is our peculiar province to advise and direct his Majesty on every national emergency like the present. But, Sir, in order to qualify us so to do, affection to our king, obligation to our country, and sober wisdom, all combine in requiring the closest and most deliberate discussions, and the deepest researches into the true bias of the times, previous to the offering up any address to the throne whatever. An address at such a crisis as this, upon such important and decisive matters, cannot be considered as a mere point of etiquette, or personal compliment to our sovereign; if it could, there is not a member of this House would be more forward in duty and obsequiousness than myself. Are

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we not totally ignorant of the real state of Great Britain and her colonies? Sir, the sense of society at large is not to be ascertained by the signature of a score of provincial corporations, under corrupt ministerial influence; it is not to be ascertained by the voice of repletion and revelry, by a few mistaken individuals, brought together under the hospitable roof of a great baron's castle. Sir, within those battlements kings are not, now-a-days, made or unmade; [Alluding to the famous earl of Warwick, who alternately deposed Henry 6, and Edward 4.] it is not to be ascertained by the cry of a few Tory justices, ductile magistrates, huddled together by their creator, the lord lieutenant of the county, to approve of proscriptions and proclamations, devised in councils where he himself takes the lead as president. Sir, I will tell the noble lord who spoke last, that if the people of Lancaster, Liverpool, and Manchester, were the oracles of British law and policy, the electors of Hanover had never swayed the imperial sceptre of this realm. I admire, however, the spirited zeal and consistency of the addressing inhabitants of that part of England; I admire their firm reverence for the divine authority of kings, their defence of popery, of arbitrary government and sword law. The same political tenets which now fill the heads of these loyal addressers, filled also the heads of their townsmen in 1745 and 1746. Those heads, which being impaled over Temple-bar in the last Whig reign, were soon after the commencement of the present, when a mighty Northern Thane came into office, taken down with veneration, and are now, it is said, enshrined in a certain interior cabinet, where a right hon. houshold officer in my eye, and others of the White Rose junto, frequently offer upon a bended knee their secret oraison and incense. Sir, the noble lord who spoke last, and the right hon. member who preceded him have assured you, that the sense of this country is against the Americans. I am confident, as well from the intelligence I have been able to procure from a multitude of persons widely different in station and description, as by my own remarks in the progress of many a journey through the interior of this island during the summer season, that the sense of the mass of the people is in favour of the Americans. They think that the provocation given by a rash and insufficient ministry to the colony of Massachuset's Bay, in lawless and oppressive exactions, enforced by famine, devastation, and slaughter, at length constitutionally justified an appeal to arms. A very learned judge who now does signal honour to the coif, assures us, in his excellent book of Commentaries, that every freeman is warranted in the use of arms for defence of his rightful possessions and liberty? And that great luminary of his profession, lord chief justice Holt, in pronouncing judgment on the memorable case of Tooly and Dekins, says, "When the liberty of the subject is invaded, it is a provocation to all the subjects of England." Where, then, will these grievances, this civil war and carnage, terminate? I shall now borrow the words of sir Charles Sedley, in the last age, to express my astonishment, that a nation sick at heart, as our's is, should wear so florid a countenance. But, Sir, is it not that hectic bloom which is frequently found to accompany a radical decay of the constitution, or rather some artificial beautifier spread over the surface of a cadaverous substance for popular show and delusion? We have heretofore found it expedient, when this kingdom has been shaken to its foundation from one extremity to the other, as it now actually is; when the original compact between the governing power and the subject has been differently construed, and in danger of being totally dissolved; I say, Sir, that the Commons in parliament assembled, have found it expedient to enquire in the first place into the actual state and condition of the nation in general: for this we have a recent precedent, almost within the memory of man, not strictly speaking in the Journals of the parliament, but in the journals of a national and constitutional assembly, which has done more good than all your parliaments since the days of Henry 3, put together, which restored and established on a firm basis the Protestant religion, and civil liberties of the people, and which brought in the amiable families of Nassau and of Brunswick, to maintain that religion, and to protect us in the enjoyment of those liberties: I mean, Sir, the Convocation, or Congress, in the year 1688, whose Acts and Resolutions ought, like the leaves of the sybils of old, to be sanctimoniously reverted to, at all times of state perplexity and peril: I therefore desire, that the motion made at the opening of this congress, commonly called the Convention Parliament, and which was the ground-work of the Revolution, be

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now read. The motion was then read, which stands upon the Journals in the following words: "That the House do appoint a day to take into consideration the state and condition of the nation," which motion passed, *nem con.* for the Monday following.*

General *Conway* apologized for opposing the King's servants, but thought it his duty to oppose this Address, because it approved of the American war. He condemned that war as cruel, unnecessary, and unnatural; called it a butchery of his fellow subjects, to which his conscience forbad him to give his assent. Though joined with the King's servants, he detested that principle of implicitly supporting every measure of government; and was severe upon those officers of the crown, who, because they are linked with others in administration, think they are bound to wade through thick and thin with their colleagues. He demanded, with an emphasis, what was the state of the British empire in America? Called upon the noble lord (North) to give it, or at least to lay some information of the state of affairs in America before the House. Asked administration, what part of America was to be called their own? Is Canada yours? he said; is Halifax yours? At this time, is even Boston yours? It is reported, that Boston is to be abandoned. Where, then, are the troops to be landed in the spring? Are they, like the first emigrants from this country, to sail along the coast till they find a place? He reprobated the idea of conquering America, declared explicitly against the right of taxation, and wished to see the declaratory law repealed, since so bad an use had been made of it.

Lord *George Germaine* replied, in favour of the Address; but did not say any thing new, except that he had received a letter from general Burgoyne, who said, that notwithstanding the distresses and obstacles the King's troops met with, they were zealous and determined in defence of their country.

Captain *James Luttrell.* Sir, I confess that I do not feel much surprise at the inflammatory language of some gentlemen opposite, for I am persuaded from the oppressive measures they have pursued towards our fellow subjects in America, during the recess, they determine to stake the prosperity of both countries to their own emolument and revenge, and at every risque to endeavour to keep their places as long as they can, without attending to reason, humanity, justice, or good policy; therefore with them, as with the mercenary and necessitous, it may be in vain to argue, for they will probably be found as callous to conviction as the leaders of administration are, who instead of being convinced of the fatal errors they have already been guilty of, by the most horrid scenes of bloodshed, seem with equal rashness to be precipitating the colonies, the West India islands, this country and all its dependencies, into every species of wretchedness, that can render us miserable or contemptible abroad. But, Sir, a chance still remains that we shall be able to avert these impending dangers; it is, that we may meet protection from the independent gentlemen of England, and from those who have been deceived by the misrepresentations of such artful and designing men as I shall endeavour to mark, by separating the voice of faction from that of truth. We have found, Sir, by woeful experience, from which side of the House misinformation has hitherto come. The noble lord and his adherents, to obtain the support of those whom no private interest or party zeal could bias, assured us in the last session, with plausibility too sufficient to impose upon such as neither doubted their integrity, nor were aware of the enthusiastic spirit for liberty which at that time prevailed throughout all America, that the dispute was by no means of the alarming nature gentlemen apprehended; that it was a contest between a single province and this country; that the Americans in general were friends to government, and waited but the arrival of a single regiment to manifest their approbation of measures, which we were told, were just, necessary, and eventually would prove successful. The noble lord had not a single doubt, but that peace, reconciliation, and good fellowship would take place speedily, happily, and without bloodshed: but he assured us, if the contest continued we stood upon ground that would enable us to enforce by arms an acquiescence with those laws we had a right to impose. That the insurgents neither merited protection from this nor from that side the water, for they had added the crime of the highest ingratitude to illegal resistance; that the late war was an American war, undertaken merely for their protection and support, which had involved this

* See Vol. 5, p. 34.

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country in a heavy debt, and now they refused to contribute to it; in short, that the contest was whether New England or Old England should get the better; though I fear this will prove the most losing game, on both sides, that ever was played; for no penetrating eye yet can discern if the victors or the vanquished will eventually be the greatest sufferers. Sir, a right hon. member too, who enjoys a very beneficial employment, told us, for our comfort, that our fellow subjects in America were indiscriminately a race of cowards; that they would not abide the resolves of the congress, nor ever be brought to face general Gage's army. Sir, with language like this, dressed in the best attire of eloquence to render it persuasive, and the temporary bait of 3*s.* land-tax, have administration endeavoured to lull gentlemen into a political lethargy; if with success, I hope they will awake at this critical moment, and pause at least before they concur farther in measures which must render us a nation bankrupt in men, in treasure, and in consequence. Now, Sir, what did we learn from this side of the House, and from some gentlemen near me of rank, property, character, and integrity? Why, that administration were either very ill informed themselves, or meant to deceive us; that the dispute was unfortunately of a more serious tendency than probably any gentleman had formed an idea of; that it was by no means what the noble lord represented, a partial dispute between a single province and this country, but the manly, firm, laudable, and constitutional efforts of free-born subjects to preserve, at the risque of their lives, that liberty with which their forefathers emigrated and which have been hitherto (long may it continue so) the natural produce of this soil; that the late acts of parliament respecting America were reprobated from one end of that continent to the other, as the most arbitrary violation of the liberties of mankind in general, and of their rights and privileges as English subjects in particular, which they would never sacrifice to the pride, ambition, or persecution of any set of ministers whatsoever. Now, Sir, by truth's fair test let the foes as well as the friends of America be judged. Was the dispute of the trifling nature government represented, and are the Americans so easily to be vanquished? Have they not hitherto conformed to the resolves of the congress as minutely as to any laws upon the face of the earth? Will they not fight in a just cause? and may they not even be provoked to face general Gage's army? In short, Sir, has not the notorious fallacy of every argument of administration, in the course of a very few months, been made manifest to the universe. But I am aware it will be said by some, that the Americans are neither exonerated from the charge of ingratitude, nor an attempt to become an independent state. To these, I answer, that these are assertions weak and absurd as those I have recapitulated, and will equally fail in proof; for you must either deny that America is like any other mercantile nation, which derives its wealth and consequence from commerce; or admit that without one ship of force to boast of, she must for the present at least, and probably for a century to come, seek the protection of some great maritime power, or be subject every day to have her coasts insulted, or her trade destroyed, by the most piratical petty states that can boast a musquetto fleet, in the like manner they now unfortunately and unjustly experience from the formidable navy of England, whose interest as well as duty it is to protect and defend them. Sir, on the score of ingratitude, I must observe, that where great nations, like France and England, ever jealous of the power of each other, feel themselves in a situation to take up arms, they will not be long finding an occasion; but it so happens that the first hostilities previous to the late war commenced in Asia, not in America, the battle of Arcot was fought by lord Clive (then captain Clive) against the French; that of Tritchinopoly by major Lawrence, and a powerful fleet ordered to India, under the command of the admirals Watson and Pocock, before the French were known to have committed any encroachments on the Ohio; but, Sir, the ministers of those days, in every respect very unlike the present, regarded America as a mine of inestimable value to this country, and were therefore tenacious of every acre of that possession; they had spirit enough to resent the insults of foreign powers, and wisdom enough to see the importance of the contest; that it was not merely whether you would suffer the French to harass our fellow subjects in America, which humanity or justice ought to have forbid their acquiescence in, but that it was of no less moment, than whether the colonies should remain dependent upon England, or become an appendage to the crown of France.

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Sir, the French at that time were not only masters of the best fortresses and most accessible harbours in America, but of a vast tract of territory there, exclusive of the great possessions of the Indians, whom they had artfully, politicly, and industriously gained over to their religion and interest, by whose assistance they defeated your army under general Braddock, and would probably have become masters of the country, had you not fortunately intercepted their reinforcements and beat them at sea. Sir, the advantages you derived from that victory, to the fatal hour in which you madly threw them away, I will not take up the time of the House to enumerate, though they are very many that fall within the scope of my superficial knowledge; I will only say, that in addition to the increase of some millions annually to your public stock, the wealth, prosperity and consequence of your West India islands are all derived from America; she, Sir, has furnished them with the necessaries of life, and with almost every kind of store fitting to carry on their works. She has taken in barter their rum and molasses; the sugars have been mostly sent to this country, and the net produce of them circulated amongst us. Now, Sir, the planter may seek a distant market for his commodities; he must purchase his stores with specie at vast disadvantage; part of his plantation will be turned into provision grounds, and the losses he daily sustains by this unfortunate dispute will inevitably increase every hour it continues. But I expect to be told, as we were last year, that these are imaginary grievances, temporary inconveniences, and short lived distresses. Here, Sir, admitting that the late war was undertaken merely for the support and advantage of the Americans, then, Sir, to them we fortunately owe the great and flourishing state of this nation at its conclusion. How unlike was that war to the present! It was constitutional, honourable, popular, prosperous, and glorious. This, Sir, is unnatural, unjust, unprofitable, cruel, and revengeful. It commenced in ignorance and despotism, and is pursuing with a rancour bordering upon madness, which can end, at best, but in the destruction of your colonies, with the loss of your troops. Then, Sir, are the lives of the bravest officers and soldiers this or any other country ever produced, the only tribute that can satiate the blind passion and revenge of administration? Why will they not relax a little, and be satisfied to entrust the execution of their blood-thirsty measures to such as are better suited to the temper and disposition of their employers? I mean their favourite army of bigotted Canadians and Roman Catholic marines, now raising in Ireland, and fitting for such laudable purposes. They, Sir, are the natural enemies of both countries, and if they prove successful, will be ready to obey the first beck of their masters, and return with swords stained in the blood of every American province to enforce either the Declaratory Act, a Popery Bill, or any arbitrary assessment of administration in Ireland. For we have been told by very prevailing authority (Mr. Rigby and Mr. Jenkinson) that the establishment of their parliament does not preclude us from taxing them, which we may, and ought to do whenever we judge proper; for that the Irish had the power to make bye laws, but nothing more. Indeed, the minister of that House of Commons insists that this is but the rash opinion of some individuals, not that of government; I wish he may be right, for I fear the Whigs and Protestants of that country would be able to make but a faint resistance against such an army. Which way they might probably be next disposed of, I will not venture to foretell. But however pleasing or beneficial the smiles or friendship of ministers may be, it is with a heartfelt satisfaction I reflect that I differ as widely in principle as in politics from a set of men, whose aim, I am afraid, is the subversion of the constitution, whose delight appears to be in blood, and in destroying the peace of millions.

Colonel *Barré* entered minutely into the particulars and consequences of the summer campaign, described the situation of the King's forces as on a wen, or little excrescence of land, blocked up within the town of Boston, and the fleet not even master of the river in which it lies; he drew a conclusion, that if an army of 22,000 of our forces, with 20,000 provincials, and a fleet of 22 sail of the line, with more than as many frigates, were three years in subduing Canada, though completed every spring—what little prospect could there be for 10,000 men to effect the conquest of all America. He told the minister, that as he expected but little information from him, he would give him some: that he had received a letter from a major Caldwell who was settled on a large estate in Canada, who assured him,

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that the Canadians were not by any means to be driven into the war; that he had tried the arts of persuasion in vain; that he assembled about 1,200 of them together, who came with large sticks, but had concealed 400 firelocks in the woods, which they were determined to make use of against the English, if they forced them to take either side. He said, that general Carleton and lord Pitt, were within a quarter of an hour of falling into the hands of Jeremiah Duggan, a barber, who was now a major in the provincials. He laid the blood of his gallant friend colonel Abercrombie at the minister's door; a man, whom particular circumstances (which he could not then mention, but which the noble lord was well acquainted with) should have secured from such a fate. He added, as to himself he stood there, it was true, an humble individual, brought into parliament with reluctance on his own part, by the hand of friendship; that his Majesty thought proper to call him into his service; but when the matter of General Warrants was discussed in the House, and his conscience directed him to oppose the measure, which he modestly did by a silent vote, a younger officer was purposely put over his head, as an intimation that his services were no further necessary: he retired, without repining, on a scanty pittance, as he would have done to the most mortifying state, without a murmur. His Majesty again thought proper to call him into his service, and made him one of the joint vice-treasurers of Ireland, which he held but a short time, owing to change of both men and measures. Since that time, he had retired with the name indeed of colonel; yet, in truth, simply but Mr. Barré. He desired the noble lord before him, to say if he had ever solicited the smiles of government; nay, ministers had empowered him since the last session to say more;—but he should be silent. In touching on the war-office arrangements in America, he said, though he had lost one eye in America, he had still one military eye left, which did not deceive him. The Americans had been called cowards; that the noble lord at the head of the Admiralty had wantonly raked up the ashes of a deceased admiral, to confirm his hasty assertion; but now he had sent for a living admiral home, to give the departed one the lie; as to cowards, they were certainly the greatest to his knowledge; for the 47th regiment of foot, which behaved so gallantly at Bunker's-hill, (an engagement that smacked more of defeat than victory) —the very corps that broke the whole French column, and threw them in such disorder, at the siege of Quebec, were three parts composed of these cowards. He would not say much of himself in a military capacity, to give weight to this account; yet it could not but be flattering to him to reflect, that the dead Wolfe, and the living Amherst, honoured him with their esteem.—He animadverted with great severity on the minister having said some time ago, that if parliament would give him the men and money he asked, he would immediately pilot them safe through this American storm. He then ridiculed the absurdity of general Gage's signing the flowery answer to general Washington's clear and manly letter: affirming that the letter was not the composition of the commander in chief, but that he was compelled to father it by superior powers. He was a good officer, but a plain man. He recommended to the minister, to embrace the present, the only moment tolerated by Heaven for an accommodation with the Americans: if they were driven a step farther in resistance, the whole American continent was lost for ever. He said, as he had mentioned general Gage's letter, a quotation from it might now supply him with a general inference, with which he would conclude, as a seasonable memento to administration. "Be temperate in political disquisition: give free operation to truth, and punish those who deceive and misrepresent; and not only the effects, but the causes, of this unhappy conflict will be removed."

Lord *Barrington* denied the disaffection of the officers, &c. and assured the House, that they would receive satisfactory accounts to the contrary in seven or eight days.

Mr. Solicitor General *Wedderburn* accused colonel Barré of drawing false inferences from his own premises; and defended vigorous measures against America. He said that 60,000 men ought to be sent to re-conquer that country: it was a system that must be pursued with spirit, even though we lost all the towns and provinces upon that continent, to put us upon a proper footing to negociate with them.

Mr. *Burke* repeated some expressions of lord North, on American affairs, some time since; such as, that he would bring

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the Americans to his feet, &c. and contrasted them with the late events in America; which caused a good deal of laughter. He afterwards compared the Americans to a people who had emancipated themselves, and described the mother-country as a piratical disturber of the ports and trade of the colonies. He spoke largely on the disgrace brought upon the British arms, by being cooped up a whole campaign in Boston, by those who had been called an undisciplined cowardly rabble. He strongly represented the danger to Great-Britain in carrying on the American war; and concluded with advising the ministers to meet America with a friendly countenance, nor longer let England appear like a porcupine, armed all over with acts of parliament, oppressive to trade and America.

Mr. *Fox* described lord North as the blundering pilot who had brought the nation into its present difficulties. Administration, he said, exult at having brought us into this dilemma. They have reason to triumph. Lord Chatham, the king of Prussia, nay, Alexander the Great, never gained more in one campaign than the noble lord has lost—he has lost a whole continent. Although he thought the Americans had gone too far, and were not justifiable in what they had done, yet they were more justifiable for resisting, than they would have been had they submitted to the tyrannical acts of a British parliament—that when the question was, whether a people ought to submit to slavery, or aim at freedom by a spirited resistance, the alternative which must strike every Englishman was, the choice of the latter. He took occasion to speak of his father, and the fluctuation of ministers at the commencement of the last war. He declared his father was secretary of state only four months, and finding himself without power, and merely a nominal minister, he did as every man of spirit should do on such an occasion, he gave up his place. He then applied this observation to the noble lord on the Treasury-bench, and in a very pointed manner intimated that it was high time a change of men took place, that a change of measures might accompany it. He took occasion to mention the political distinctions of Whig and Tory, and describing the present ministers as enemies to freedom, declared they were Tories. He made a comparison between the conduct of administration and the conduct of America, shewing the weakness, the error, and the imprudence of the former, and the firmness, the spirit, and the just pursuits of the latter. He combated the argument in the King's Speech which inferred that America aimed at independency; and by a chain of reasoning, he shewed, that to be popular in America it was necessary to talk of dependance on Great Britain, and to hold that out as the object in pursuit. He rallied lord North on the rapid progress he had made in misfortune, having expended nearly as large a sum to acquire national disgrace as that most able minister lord Chatham had expended in gaining that glorious lustre with which he had encircled the British name. He did not approve of every thing done by lord Chatham, but all must confess his great and surprizing talents as a minister. He declared opposition to be cordially united in every part. He retorted on administration for their having last year roused the younger part of the House by their appeals to the spirit of Englishmen to enforce vigorous measures, and asked whether that spirit was discernible in the pitiful party of the military sent to Boston, or in the vigorous measures of that party; declaring, that if the spirit the ministry had appealed to was still in existence, it would not be possible for them to keep their places. After severely rebuking them for endeavouring to shift the blame from themselves to general Gage, he concluded with advising administration to place America where she stood in 1763, and to repeal every Act passed since that period, which affected either her freedom or her commerce.

Lord *North* said, he held the pity and contempt of the hon. gentleman (Mr. Fox) in equal indifference. He declared that the words quoted with so much humour by another hon. gentleman (Mr. Burke) had never been used by him in the sense to which he had applied them, and complained of the injustice done him both in the English and American newspapers, by printing false accounts of his speeches in parliament. Respecting the observations made by the last speaker on the changes in the ministerial departments at the commencement of the war, he begged the House to recollect, that though the men were changed, the same measures were pursued, but that for his own part he wished not to remain a day in office after he was thought inactive, inattentive, or inconsiderate. That if the

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scheme of repealing every American Act passed since 1763, was adopted, there was certainly an end to the dispute, for from that moment America would be independent of England. That many of the Acts were framed for the necessary support of the superiority of the mother country, on points in which her right of superiority had never been questioned till America was refractory; that all the Acts were rather acts of justice than of cruelty, and that the Act preventing the colonies from trading with other countries, which the gentlemen in opposition made so much rout about, was not passed till the colonies, by a non-importation agreement, had refused to trade with England, who had nurtured them to their present greatness, and had therefore, on the principles of gratitude and recompence, an exclusive right to the benefits of their commerce. His lordship then said, that if he understood the meaning of the words Whig and Tory, which the last speaker had mentioned, he conceived that it was the characteristic of Whiggism to gain as much for the people as possible, while the aim of Toryism was to increase the prerogative. That in the present case, administration contended for the right of parliament, while the Americans talked of their belonging to the crown. Their language therefore was that of Toryism, although, through the artful designs of the real enemies of freedom, the good sense of the people of England was endeavoured to be misled, and false opinions were industriously inculcated throughout the kingdom. The Speech and the proposed Address tied the House down to no point, it could not therefore be of ill consequence to carry the latter to the throne. The measures administration meant now to pursue, were to send a powerful sea and land force to America, and at the same time to accompany them with offers of mercy upon a proper submission. This will shew we are in earnest, that we are prepared to punish, but are nevertheless ready to forgive; this is, in my opinion, the most likely means of producing an honourable reconciliation.

Mr. *Dunning* was against the Address. He had heard it was the intention of administration to send a large force to America to compel submission, and that foreign troops were introduced into the British dominions for that purpose. He said, the measure ought not to have been taken without the consent of parliament. Without such consent he peremptorily pronounced it to be illegal. To this was to be added, not only the disgrace, but the evil consequences of which this measure might be productive, if suffered to pass into a precedent.

Mr. Attorney General *Thurlow*, in support of the Address, declared that in his opinion there was no illegality in the measure of sending Hanoverian troops to garrison the fortresses of Gibraltar and Mahon, and therefore that no bad tendency or evil consequences could arise from it.

At four in the morning the House divided upon the Amendment; for it 108, against it 278.

List of the Minority.

Ashe, gen. Acourt	Hayley, George
Adair, serj.	Hopkins, Richard
Anderson, Evelyn	Hunt, George
Astley, sir Edward	Hussey, William
Barré, rt. hon. Isaac	Johnstone, George
Barrow, Charles	Johnstone, John
Bayly, Nathaniel	Keppel, hon. Augus.
Bentinck, lord C. Ed.	Lennox, lord George
Benyon, Richard	Lowther, sir James
Bertie, hon. Peregrine	Ludlow, earl
Brand, Thomas	Luther, John
Bridgeman, sir Henry	Luttrell, hon. Temple
Burke, Edmund	Luttrell, hon. John
Cavendish, lord Geo.	Martin, Joseph
Cavendish, lord Fred.	Mawbey, sir Joseph
Cavendish, lord John	Meynell, Hugo
Cavendish, lord Rich.	Miller, sir Thomas
Cavendish, ld. G. Aug.	Molesworth, sir John
Clarke, Jervoise	Molyneux, Crisp
Clayton, sir Robert	Montagu, Frederick
Coke, Wenman	Mortimer, Hans Wint.
Conway, rt. hon. H. S.	Needham, William
Cooper, John	Oliver, Richard
Coxe, Rich. Hippis.	Pierse, Henry
Cox, Laurence	Pelham, C. Anderson
Crewe, John	Pennyman, sir James
Dempster, George	Polhill, Nathaniel
Dunning, John	Popham, Alexander
Fielde, Paul	Pulteney, William
Finch, Savile	Ratcliffe, John
Fleming, sir Mich. le	Robinson, sir George
Foley, Thomas, jun.	Rushout, sir John
Fox, hon. Ch. James	Salt, Samuel
Frankland, sir Thos.	Savile, sir George
Folkestone, viscount	Saunders, sir Charles
Goddard, Ambrose	Sawbridge, John
Gordon, lord George	Scawen, James
Goring, Charles	Scott, Robert
Gowland, Ralph	Scudamore, Ch. Fitz.
Granby, marquis of	Scudamore, John
Gregory, Robert	Seymour, Henry
Grenville, James, jun.	Smith, John
Guise, sir William	Standert, Frederick
Halliday, John	Stanhope, Walter
Hamilton, rt. h. W. G.	Thornton, Thomas
Harbord, sir Harbord	Townshend, rt. hon. T.
Hartley, David	Trevannion, John

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Tuffnel, Geo. Foster	Weddell, William
Turner, Charles	Wenman, viscount
Tyrconnel, earl of	Wilkes, John
Verney, earl	Wilkinson, Jacob
Vernon, hon. G. Ven.	Yonge, sir George
Wake, sir William	TELLERS.
Walpole, hon. Thomas	Plumer, William
Walpole, hon. Richard	Byng, George.
Walsingham, hon. R.	

The original Address was then agreed to, and ordered to be reported to-morrow.

October 27. Mr. *Acland* reported the Address.

Mr. *Hartley* pressed lord North to declare, that it should be understood, that agreeing to the report now brought up should not be deemed a decisive approbation of its contents, nor preclude the House from taking the measures recommended in it, into consideration on any future day.

Mr. *Fielde* approved of this caution of the hon. gentleman, and thought the advice extremely necessary.

Sir *M. W. Ridley* said, he had gone along with the minister during the last session, upon the supposition that his information regarding America was authentic; but now that he found it was otherwise, he went away last night without giving any vote; a conduct he wished to avoid, and therefore he called upon the minister to lay sufficient information before the House, that gentlemen might know the ground upon which they were to proceed.

Lord *North* declined complying with these requests: but said, in general, that the navy and army would be taken into consideration in the course of the week, and he believed that either of the days appointed for that purpose would be the most proper time for stating objections, or framing any motion.

Mr. *Powys* moved to recommit the Address in order to leave out what related to the Hanoverian troops. This changed the debate to the general subject of America. [On this subject of the Hanoverian troops, the arguments were chiefly directed against that paragraph in the Address which thanks his Majesty for his gracious consideration, in sending part of his electoral troops to garrison the fortresses of Gibraltar and Minorca. Those who condemned the paragraph argued against its illegality, its being expressly repugnant to the Bill of Rights; and, above all, its being a precedent of a most alarming and dangerous tendency, as it recognised a power in the King to introduce foreigners into his British dominions, and to raise armies without the previous consent of parliament. It was defended on a variety of grounds. First, on the idea, that the paragraph expressed nor implied no approbation of the measure; that the Bill of Rights passed at the Revolution was a declaratory law, and that law, to use Mr. Attorney General's own words, embraced no part of the British dominions beyond the limits of this island; that the necessity of the measure justified it, because of the delay it might occasion, and the consequent embarrassment it might bring on, in the future progress of this business: that it was nothing new, for 6,000 Dutch had come over in the year 1745, to our assistance, without any such previous consent. The gentlemen in opposition considered the paragraph as a full approbation of the measure; whilst the friends of administration insisted it was no more than a compliment to his Majesty's good intentions, and left the measure itself a matter of future deliberation. Mr. Wedderburn and Mr. Dunning had a long conversation upon the different interpretations of the clause. Very few of the speakers confined themselves to this single point, but successively beat over the wide ground of the general dispute with America. The minister, however, quitting his ground, left his supporters by themselves, and fairly owned he was the adviser of the paragraph, and that he was firmly persuaded of its legality, wisdom, and expediency. This explanation was occasioned by his being pressed, in case the opposition agreed to the Report, that his lordship would agree to review the proposition, and give it a full and fair discussion on some future day to be appointed for that purpose.]

Mr. *Cornwall* entered into American affairs. He acknowledged there had been mismanagement somewhere; but whether by the parliament, in not granting a sufficient force; by the ministry, in not properly applying the forces granted; or by the officers who had the command of them, in not exercising them effectually, he would not then assert; but probably it might one day afford matter for enquiry in that House. However, he could not avoid saying thus much in favour of administration, that a minister in this country, though he may see much farther into future events than the rest of his countrymen, cannot take any great step without having the cry of the people against him.

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Had government demanded 40,000 men last session to send to America, parliament perhaps would not have granted them; but now that the nation seemed to approve of sending a sufficient force, he did not doubt of success. He then proceeded to make some remarks on the conduct of the late lord Holland, when secretary of state, at the beginning of the last war, in allusion to what had been said by Mr. Fox the night before; and concluded by attacking the duke of Grafton for his desertion.

Mr. *Charles Fox* vindicated his father, and defended the noble duke; but as he quoted the speech the noble duke had made the night before in another House, he was called to order. He protested that he had been deceived by the minister; he had been taught to believe that government had so many friends in America, that the appearance of a few regiments there would give them security in avowing themselves; secure an obedience to our laws, and ensure peace; that upon this principle he voted for sending over the forces last session: peace was his object in that measure; but now that the minister declared himself for war, he could not but object to his proceedings. He could not consent to the bloody consequences of so silly a contest about so silly an object, conducted in the silliest manner that history, or observation, had ever furnished an instance of; and from which we were likely to derive nothing, but poverty, misery, disgrace, defeat, and ruin.

Mr. *Henry Dundas* (Lord Advocate of Scotland) said, it would be ridiculous in administration to recede, or to listen, at present, to conciliatory measures, whilst America was making so effectual a resistance; that all Europe would say we had felt our inability to enforce our rights, and therefore were glad to accommodate matters on any terms; that when we had regained and re-established our authority there, he would be happy to join in any plan for the better and more happy government of that part of the empire. He said, it was not uncommon for Great Britain to be unsuccessful in the beginning, and victorious in the progress and conclusion of her wars; and that he was not at all dismayed by the gloomy pictures which some gentlemen were pleased to draw of our perilous and deplorable situation. He concluded with an attack upon opposition, which he executed with great good humour.

Governor *Johnstone* arraigned the conduct of administration severely; he declared that he was certain that the Hanoverian soldiers could not be tried by martial law for any offences; that if they should be tried, they would have an action in Great Britain against their officers, and that if any of them should be put to death, in consequence of the sentence of a court-martial, those who gave that sentence would be guilty of murder according to our laws; he insisted, that our garrisons abroad were, in the true sense of the word, a part of this kingdom, and he was against the paragraph, as a dangerous precedent.

The *Attorney General* insisted, that decency demanded that we should return his Majesty thanks for the considerations which induced him to take the step, though we might afterwards condemn the measure. 'Suaviter in modo, sed fortiter in re,' should ever be a maxim in British minds; he declared that it was his opinion that the Bill of Rights did not forbid the introduction of foreign troops into our territories abroad; that it only mentioned this kingdom; that consequently he could no more see any illegality, than he could danger, in the measure.

Mr. *Charles Mellish*. I agree with the gentlemen on the other side, that every government is originally instituted for the governed; but I must insist, that, when a government is actually formed, it becomes the duty of the governed to submit to the governors. I will however agree, that there is at times a power of constitutional resistance; and that in our own government, if a king's minister oppressed the body of the people by repeated acts of violence, our ancestors had, under the sanction of the two Houses, attempted to remedy the grievance. I will also admit, that if Lords and Commons, at the will of any king or any minister, could so far betray their sacred trust, as to tyrannize over the governed in such a manner that human nature could not submit to the tyranny (which was a case I thought scarcely possible to exist, and my blood run cold at the thoughts of it) I was settled in my principles; if the bulk of the people concurred, and I could not be mistaken, I should oppose the appearance of a constitution which no longer existed, and then I will allow, that any new government is better for the governed: but I call upon gentlemen to consider, if the two Houses of Parliament, supported by the united voice of the people, were cautious in their method of op-

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posing the King alone, how much more ought gentlemen to be cautious in attacking the sacred constitution of King, Lords, and Commons. In order properly to consider whether such a case existed, we must look for its signs. Freedom of debate in parliament seems to me the great touchstone; and I dare say that every gentleman who hears me will be of my opinion, that at no time this House has ever enjoyed more freedom of debate than at present; it has kept us from our beds till five this morning, and may probably keep us to the same hour this night.

Much has been said in former debates, particularly on an equal representation. Indeed, in our own state the representation was formed originally equal, I mean in the time of William 1. It was, indeed, a representation of merely the landed interest. Time has by degrees produced so total an inequality of representation, that now it is a certain fact, that not one third part of England is represented in parliament. Does it not therefore follow, as a consequence, that America has no more reason to complain for the want of a representation, than two thirds of the people of England? Here it is that the fiction of law steps in to the relief of the subject; it declares us members for every part of his Majesty's dominions, and consequently for America; it has, therefore, altered the ancient principle of the constitution, which said, that the member was obliged to obey his constituents. Necessity has adopted this fiction of a virtual representation, and it is now become our duty to consult the interest of the kingdom in general, in preference to the advantage of our borough or county.

It is strange that reasonable men should not be contented with the government of the country in which they live. I shall ever maintain that I am bound to support the constitution left me by my ancestors. The term Constitution is indeed vague; it is continually altering; like the human body, new particles are continually flying from it, and new particles are adding to it. We ought from time to time to improve the constitution, or reduce it to its first principles, as the case may require, but not by violent means. I hope and trust we shall never again fall into the fatal errors of the times of Charles the 1st, when every man thought he had a right to set up his new-fangled ideas, in opposition to the government of his country; and when the people at last discovered the miseries they had drawn on themselves by their folly, they received Charles the 2nd with that weakness and imbecility of spirit, that they lost much of their liberties.

As to the present question, I think ministry is right in its measures, and am satisfied with their late conduct. America has formerly submitted to the right of taxation. Many are the Acts passed by us, submitted to by them. I shall shortly state some of them. We have asserted our rights not only in the Navigation Acts, and the internal Acts of the post office, by 9 Ann, c. 10. but we have annihilated in some cases their own Acts of assembly; for by 7 and 8 William 3, we have declared void all the laws, &c. made in their plantations, which were repugnant to that act, or to any other law hereafter to be made in this kingdom. The Act of 11 and 12 William 3, c. 7, made for the suppression of piracy, in its 13th section is express. The words are, if any of the "governors in the said plantation, or any person in authority there, shall refuse to yield obedience to this Act, such refusal is hereby declared to be a forfeiture of all and every the charters granted for the government or the propriety of such plantation." These Acts were made in the time of the patron of our liberties, the great king William; even the charter itself, which the inhabitants of the Massachuset's Bay now so eagerly clamour after, is not their original charter, but a charter crammed down their throats by the great king William. We have carried our legislative power still further over the internal police of America, and America has submitted. The colonies allow that the Greenwich-hospital Act, of 7 and 8 William 3, c. 21, extends to them. By 3 and 4 Ann. c. 11, we have forbidden their selling their pitch and tar trees under a certain growth, &c. By 5 George 2, c. 22, not a single hat can be exported from the colonies any where. And by 7 George 2, c. 7, we have altered their common law in the most essential of all points, their property, in the teeth of their own acts of assembly; for the more easy recovery of debts, even if due to ourselves, we have made their lands assets. And to close the whole, by 13 George 2, c. 7, we have made foreigners, who inhabit seven years in the colonies, natives of these very countries, of which they deny us the right of legislation.

But the mode of laying the late taxes has been objected to. Yet by 25 Car. 2, c. 7, we have laid port duties on the ex-

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portation of sugars, under the express regulation of the commissioners of the customs and treasury; and by 1 George 1, c. 12, we have ordered those duties to be paid into the exchequer; yet these duties have never been complained of by America. But the chief Act on which the greatest stress may be laid as to this point, and which I call on the gentlemen on the other side particularly to attend to, is the 6 George 2, c. 13. Here, exactly as in the case of the present tea-duty, we 'give and grant' a duty on foreign rum imported into the colonies; we order an 'entry,' and that the 'rate shall be paid in money before landing.' Thus then America has submitted to internal taxation and legislation, both as to the right and the mode; and, as America has submitted to the law of parliament in former instances, I am for enforcing obedience to the present law. But it has been said by some gentlemen, that foreign states accuse us of being engaged in a silly measure; all the answer I shall give such foreign state is to mind its own business. If France says so, I should ask, where is the policy of the Corsican expedition? If Spain, what it thought of the coast of Barbary? Each state has enough to do at home; and if each private member of this House would employ himself in assisting the public, instead of stating to the House private grievances, Great Britain would reap the advantage.

Mr. *Dunning* insisted, that the Bill of Rights was only declaratory of rights existing prior to that Act, that therefore the people were not to confine their claims to the literal words of it, but to recur to the great principles upon which that declaration was made.

Mr. *James Grenville*, with great modesty, ability, and candour, gave his reasons for not going on against America, be cause the Americans did not mean to render themselves independent of this country, and because he judged it impracticable to reduce them by force. He concluded by shewing, with much feeling and propriety, that he did not mean to throw any reflection upon the conduct of his late relation, Mr. George Grenville, with regard to America.

Mr. *William Adam* shewed that the Americans would proceed to independence, if successful, and that it was therefore absolutely necessary to reduce them. He entered into the practicability of the measure, by shewing that no settled form of government being established in America, all must be anarchy and confusion there, and that all ought to be regularity and order at home. He took notice of the comparisons which had been made between our situation and that of Spain, with regard to the revolt of the United Provinces, and said the cases were not parallel. He then attacked the conduct of the opposition, but said at the same time, that he could not approve of that of the ministry. He described the operations of the last year, as very inactive; found fault with the conciliatory proposition, and called upon the noble lord at the head of administration to act with vigour. He praised lord North in the strongest terms for his ability and public virtue, but accused him of indolence, the greatest fault a minister could be guilty of at this critical juncture! He told him the time for action was not yet over, but that it might soon pass away; begged him therefore to rouse himself, and to act with the ability he possessed. He described the inactive campaign of last summer in very strong colours; accused him for allowing the congress to meet; asked if those neglects were like the conduct of a great minister, like the conduct of that man, who had seized the helm in a storm, and was not to quit it, though it should blow a hurricane? From the spirited address of this day, he hoped for a more vigorous conduct, and trusted that the noble lord would not allow it to go down to posterity, that from his inactivity, and not want of abilities, he had lost Great Britain her American colonies.

Lord *North* thanked the hon. gentleman for the ability, candour, and manliness with which he had attacked him; said he was always ready to listen to any stricture upon his conduct, even when it came from malice; but when it flowed from so pure a motive, so sincere a love for his country, as he was sure that hon. gentleman possessed, it could not fail of having the strongest effect. He pledged himself to the House, that he would proceed with vigour and activity. He confessed that indolence of temper, which the hon. gentleman (Mr. Adam) had noticed, and that dislike to business, but declared that he was forced into the post that he now held; that stormy and tempestuous as the ocean was, through which he had to steer, he would never of his own accord abandon it till the storm had subsided. He acknowledged he had been deceived in events,

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but that he had adapted his measures last session to the then state of affairs, not imagining that all America would have armed in the cause. Administration had proceeded upon the information they had received: if gentlemen were in possession of better information, why did they not communicate it? He said, that when he adopted the necessary plan of sending Hanoverians to Gibraltar and Port Mahon, he had not a doubt of the legality of the measure; that if it was dreaded as a precedent, he should have no objection to a bill of indemnity. If he had waited for the meeting of parliament, our troops in Gibraltar and Port Mahon could not be brought into the field time enough to have admitted of an early and vigorous exertion of our forces against the rebels. That if we suffered by the war, America would suffer much more. He answered Mr. Adam's objection to his conciliatory plan; said it was the measure that had put us on a proper footing with regard to America; that now they had refused it, their intentions were easily seen, and every exertion of force was justifiable till such time as they should again become obedient to this government; that nothing should be wanting on his part to bring them back to a just subordination; that now it was impossible to treat with them, until once brought back to a due obedience; that there was no intention to oppress them, but to establish in America the most just, mild, and equitable government. He had as great a veneration for liberty as any man; and he hoped the Americans were too brave and worthy of their ancestors, to hesitate a moment in their choice between slavery or war; but in the present instance there was no question of slavery. Their friends have said that they only wished to be put on the same footing on which they were in 1763. He wished to God it were possible to put the colonies on that same footing. Surely America would not, without money, without trade, without resources, continue to prefer a ruinous war with Great Britain to the blessings of peace, and an happy dependence upon her. He concluded with giving a pathetic description of his own situation, under the weight of government, though surrounded with all the power and pageantry of administration; but said that in spite of all this he should consider himself as infinitely happy, if in the last moments of a life spent in the service of his country, he could say he had done any thing for the support of a constitution he loved and admired, and of the best laws that ever were framed for the happiness of mankind.

Colonel *Barré* observed, that the noble lord could very calmly bear to hear his faults announced from some quarters; that his lordship stood the attacks of a certain northern dialect with a very good grace, but he was instantly shot dead with the brogue; and what was acknowledged to be extremely candid on one side the House, was downright malice from the other. He accused him of kissing the rod that had been held by Mr. Adam: that hon. gentleman, indeed, had held it with much grace and great ability, but he believed that the noble lord had other reasons; that an hon. friend of his (Mr. Burke) had often exercised it with great grace and much ability, and yet it was not kissed by the noble lord when in his hands. The reason, he said, which induced all America to take up arms sooner than the noble lord had expected, was to oppose a common enemy: the circumstance put him in mind of a speech made by marshal Schomberg to the British troops, as they were crossing the river Boyne in Ireland, "au devoir mes enfans, voilà vos ennemis!" He then entered into the Hanoverian measure, and in his usual manner told many pleasant stories of his acquaintance in that country, and some other parts of the globe.

Mr. Serjeant *Adair*. Sir, when I perceive, and, indeed, most sensibly feel, that the patience of this House, and the constitution of its members, are almost as much exhausted in the course of this debate, as the treasures and resources of this country are likely to be by the consequences of our Address, I shall certainly take up as little of their time as possible. But, Sir, I cannot rest satisfied in my own mind, without submitting to the House a few short reasons for my most hearty and entire dissent from the proposed Address. The first argument, if it can be called so, that I shall take notice of, I mention with much reluctance; because, Sir, if it had not been adopted by so respectable a member as the learned gentleman (the Attorney General) it would have appeared to me unworthy of the wisdom and dignity of this assembly, and an insult on the understanding of every man to whom it was addressed; I mean, Sir, the unaccountable attempt that has been made to persuade us, that the words of this Address do not convey any kind of

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approbation of the measure of transporting the King's Hanoverian troops to the garrisons of Gibraltar and Port Mahon. It is impossible to use any other argument against this, than an appeal to the common sense of mankind. It does not appear to me to be the subject of reasoning or dispute; strip it of sophistry, of the false colouring with which it hath been varnished; read the clause in question to any plain man, and if he does not say that it expresses an approbation, a thankful admiration of this part of the conduct of his Majesty's ministers, I have lost all my ideas of language, all understanding of the import of words. If there is any member of this House who upon barely reading the words of this Address, entertains a serious doubt upon the meaning of it, his mind must be so differently constituted from mine, that it is impossible any argument I could use, could make the least impression on him. But why, Sir, are the gentlemen so solicitous upon this point? Why are they so exceedingly afraid, that these words should be understood in their plain sense? Are they doubtful of their own measures? Do they wish, by deluding our understanding, to steal from us an approbation of what they dare not themselves defend? Do they themselves think the measure in question legal and proper? If they do, why not approve it? Why not avow the approbation? Why do they not speak out? "The measure is right, it is legal, it is beneficial to this country; the Address does approve it, and it ought to be approved." Surely, Sir, this would be a more rational and manly ground for supporting their Address, than the frivolous attempt to pervert the obvious meaning of words, and sophisticate us out of our senses.

So much has been said of the legality of this measure; the arguments against it have been so fully and ably stated, that I think it necessary to trouble the House with very little upon that subject. I shall content myself with saying, that I entirely concur in the opinion, that the illegality of employing or supporting foreign forces in any part of the dominions of Great Britain, without the consent of parliament, is deducible from the same principles of law and the constitution, from whence our ancestors, who declared the rights and liberties of the subject at the Revolution, inferred the illegality of raising or keeping an army within the kingdom in time of peace without the same authority and consent. The check and controul, which the ancient principles of this happy limited monarchy has with so much wisdom and caution established over the power of the sovereign, would be vain and nugatory indeed, if that sovereign had a right, by his own mere authority, to establish an armed force, either of natives, or much more of foreigners, in any part of the dominions of this crown, without the consent of the people, expressed in this great council of the nation. The negative of this power, Sir, was one of the great privileges which the Bill of Rights declared to be the undoubted right and liberty of the subject. The proposition deduced from the principles of the constitution is general; it was laid down in the terms in which it appears in that law, because, like every thing else that is there declared, it had a reference to the grievances recited in the preamble. Those were the encroachments which the late king James had made on the constitution of his country. Those were the mischiefs immediately to be remedied by the Revolution; and accordingly to every clause of the Bill of Rights, the declaration of the right is adapted to, and co-extensive with the violation complained of. This is the true reason why some of those declarations appear to be limited in their expression; and excludes every inference against the generality of the propositions, which are fairly deducible from the same principles of reason and of law.

But, Sir, I cannot dismiss this subject, without taking some notice of a most novel and dangerous doctrine, which has proceeded from so respectable an authority, that it demands our most serious attention. It has been asserted by the highest law authority in this House, "That the raising or keeping an army even within this kingdom in time of peace, without the authority of parliament, unconnected with the illegal purposes to which," he admits, "it had been perverted, was not simply, and in itself unlawful, before the passing of the Bill of Rights at the Revolution, and therefore that the clause in that statute, which declares it to be so, created a new law, and did not merely declare an ancient fundamental principle of the constitution." If this be true of that clause, Sir, it may as well be applied to every other in the Bill of Rights: and the consequence of that doctrine will be, that all the privileges there asserted to be the ancient rights of the subject, were not in truth so, but were new acquisitions, or generous gifts at the Revolution: and

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that the declarations and provisions of that excellent law are not to be extended beyond the words of it, or applied to other cases deducible from the same principles of the constitution, which they certainly should be, in the most liberal manner, if it is merely declaratory of the common law and ancient constitution of the kingdom.

But, independent of all other reasonings, the clear and unambiguous words of the law itself, give the most decisive refutation to so strange a doctrine. If there is any one statute in the whole book which is more clearly and pre-eminently declaratory of the ancient law than all others, it is certainly the Bill of Rights. The preamble recites, "That the late king James, by the assistance of evil counsellors, did endeavour to subvert the laws and liberties of this kingdom," in several particulars, which are there recited; all which are affirmed to be "directly contrary to the known laws and statutes of the realm." Contrary to what laws, Sir? Surely not to those which they were then going to make; but to those ancient, and, in the words of the Act, known laws, which existed at the time, and long before the violations complained of. The Act then goes on to say, that the Lords and Commons, "for asserting their ancient rights and liberties do declare," several particulars, and amongst the rest, "that raising or keeping a standing army within the kingdom, in time of peace, unless with consent of parliament, is against law," and they "claim and insist upon all the premises as their undoubted rights and liberties;" and it is declared and enacted, that all the rights and liberties so claimed "are the true, ancient and indubitable rights and liberties of the people of this kingdom." These words, Sir, are too strong and clear to need a comment; and on them, with confidence, I rest this matter in dispute.

I must trouble the House with a word or two on another very strange argument, indeed, which seemed to be used yesterday with a sort of triumph, and has been repeated in the course of this day's debate, though with some attempts to soften it a little, and take off from that glaring absurdity which has already been so ably exposed: this, Sir, is the comparison that has been made between this American war and some others in our history, which, though they were blundering and unsuccessful in the beginning, were glorious and prosperous in the event; from whence the strange inference has been drawn, that because this has been at least equally blundering, and unfortunate in its outset, it should therefore be similar in its future glory and success? and the much stronger consequence, that we ought to pursue the same kind of measures that have proved so unfortunate, and continue to place our confidence in the same men who have been guilty of those blunders and mistakes. A right hon. gentleman who spoke early in this day's debate endeavoured to state this with more appearance of reason thus—I do not profess, Sir, to repeat his very words, but I believe I can be pretty exact as to the substance: "It is not," said he, "so absurd and ridiculous to allege, that because we had not last year full information, because we had reason to trust to appearances and probabilities that have deceived us, because trusting to them we had not a force sufficient nor efficaciously employed, we are not therefore to infer, that when we have full information, when those errors we looked into are rectified, and a sufficient force is efficaciously employed, our measures should not be attended with more prosperous success." I do not contend, Sir, for that inference; on the contrary, I am fully persuaded, that a rectification of our late errors and blunders, and total change of our measures, adopted upon full information, would be attended with a prosperous and happy event: but, Sir, I do contend for the inference from these premises, that we are not to trust the same men who have so blundered and been deceived, or pursue even to a greater extent, the same measures that have nearly undone us. Let me ask the right hon. gentleman and his friends, why had they not full information in matters of such importance? Why did they trust to uncertain appearances and probabilities that have deceived them, when the fate of the empire was at stake? If they judged force necessary, why had they not a sufficient force? And why was not that force efficaciously employed? Are those men fit for the management of great affairs, who neglect the means of information that are in their power? Are ministers equal to the government of a great empire, who trust the fate of it to deceitful appearances and the chapter of accidents? Or, ought they to be trusted with the direction of fleets and armies, who do not know what force is sufficient for their own plans and designs, or how it should be most effectually employed?

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I shall now, Sir, entreat the indulgence of the House, while I state, as shortly as I can, some of the reasons why I am against the whole of this sanguinary Address; and why I, for one, cannot consent, to pledge myself for the truth of propositions, respecting which I have no evidence or information before me; and the approbation of measures, which I, from my soul, detest and abhor. I shall not enter into the particulars of the Speech or Address, which have been so ably observed upon, in the course of two long days' debate. I oppose, Sir, the whole principle of the Address, because the avowed tendency of it, is to plunge us still deeper in an unhappy civil war, and to pledge us to support a system of measures, which appear to me to threaten ruin and destruction to this devoted country. I am against the present war, Sir, because I think it unjust in its commencement, injurious to both countries in its prosecution, and ruinous in its event. It is staking the fate of a great empire against a shadow. The quarrel which occasioned it, took its rise from the assertion of a right, at best but doubtful in itself; a right, from whence the warmest advocates for it have long been forced to admit, that this country can never derive a single shilling of advantage. In spite of all the sophistry that has been used, and all the declamation we have heard on the dignity of this country and the authority of parliament, the right of taxation is the only real and original subject of the dispute between Great Britain and her colonies. This doubtful and unprofitable right has been attempted to be asserted and enforced by a series of laws, the most oppressive, the most violent, the most arbitrary, unjust and tyrannical, that ever disgraced the annals of any civilized nation upon earth. I will not, now, Sir, enter into the particulars of these laws, but I mean the whole system of American legislation, from the Boston Port Bill to the present time.

This system of laws, Sir, has produced its natural effect; it has driven your colonies into rebellion, and we are now called upon to concur in exerting the whole power of this nation, in enforcing by blood and destruction that unjust and arbitrary system. The injustice of these measures alone would be sufficient to determine me against giving them approbation or support. But when I consider the inevitable consequences of them, I am still more strongly confirmed in that opinion. The war in which we are engaged is, of all others, in its nature, the most ruinous and destructive. Whatever may be the event, we must be the sufferers; for such is the unhappy nature of the contest, that the losses and mischiefs of both sides must ultimately fall upon us. Whose treasures will be exhausted by the expence? Whose commerce will be ruined and destroyed? The blood of whose subjects will be spilt, but those of the British empire? If such are the present effects of this war, the event must be still more fatal to this kingdom. Let us consider it, Sir, upon either supposition of success or disappointment, of conquest or defeat. The present situation of the colonies, their union, their conduct, their enthusiastic spirit of liberty, and the fatal experience of the last campaign, has fully convinced every man, even the most sanguine, that we cannot expect bloodless laurels, or an easy conquest. We must lay our accounts for the most alarming and dangerous resistance; and if a full exertion of all the powers and resources of this kingdom, which I am far from thinking the most probable event, should at length, after a long and obstinate contest, in which both sides will be almost equally exhausted, prevail over every effort of liberty, reduce the colonies to a forced submission, and complete the conquest of America; in what respect shall we be gainers by such a conquest? What shall we acquire at such an expence, but the empty assertion of an unprofitable sovereignty over desolated provinces, or a few miserable slaves? Instead of those flourishing dominions, the wealth and commerce of which has rendered us the greatest nation in the world, we shall find ourselves possessed of a vast territory, which, drained of the sources, from whence that greatness flowed, that communicated itself so plentifully to us, will be not only useless and unprofitable, but burthensome and destructive; acquired by violence and force, it cannot be preserved but by the same means; and our acknowledged revenues, must be still further drained, by the constant expence of fleets and armies, to support our unjust authority, and to defend from foreign invasion those provinces which we shall have deprived of the means of defending themselves. These, Sir, are the happy consequences that we may expect from the most prosperous success.

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But suppose for a moment the event should be different; suppose the extent and natural advantages of their country, their distance from us, that union which our measures have produced, and above all that ardour of liberty, that enthusiastic and desperate spirit, which our injustice and oppression have excited, should carry the Americans through the dreadful struggle with success, and enable them in the end to baffle and defeat the utmost exertions of their infatuated and deluded country. In the course and event of such a struggle, is it possible to suppose that America will not follow the dangerous example which we are going to set her, of having recourse to foreign assistance; that in the future establishment of her commerce, she will not give the preference to any nation in Europe, over that which has attempted to enslave and destroy her, and has not desisted from the unnatural attempt, till after the utmost, though ineffectual exertion of all her power and resources? In what situation will Great Britain then find herself? Her colonies will not only be totally lost to her, but, at least as to the benefits of their commerce, thrown into the hands of other powers, most probably her natural enemies. Reduced to her insular dominions; curtailed in her commerce; the principal source of her wealth and naval power transferred into the hands of her enemies; her blood and treasures exhausted; her revenues lessened; oppressed with an enormous debt, and debilitated with unsuccessful exertions; she will lose her power and consequence in the system of Europe, and be exposed almost a defenceless prey to the first neighbour who shall chuse to invade her.

These, Sir, are the consequences which must ensue from the measures we are now called upon to approve and support. Whether they are followed by defeat or success, they will, almost with equal certainty, destroy the power, the glory, the happiness of this once great and flourishing empire. It is my opinion that we cannot conquer America; I have not a doubt, that we cannot acquire or maintain a beneficial sovereignty over her by violence and force.

But, shall we give up our colonies without a struggle; without an attempt to preserve our dominion over them? That, Sir, is not my opinion; I think we shall lose that dominion, I am sure we shall lose all benefit from it by oppression, violence, and war; but it may still be preserved by justice, moderation, and peace. The Americans, it is said, will be satisfied with nothing less than absolute independence. They do not say so themselves, Sir; they have said the direct contrary, "Restore the ancient constitution of the empire, under which all parts of it have flourished; place us in the situation we were in the year 1763, and we will submit to your regulations of commerce, and return to our obedience and constitutional subjection." This, Sir, is the language of the Americans.

Is this a claim of absolute independence? Were they independent of this country in 1763, or at any preceding period? Will any gentleman on the other side of the House rise up and say that they were? If they were not, they do not now claim to be so. If they were then independent, it was in that state, that those advantages of wealth and power flowed from them, which raised us but a few years ago to the greatest height of eminence and glory, and set us at the head of all the nations of the world. But our ministers tell us they will not in truth be content with what they themselves have professed to demand. Have you tried them? Make the experiment. Take them at their word. Repeal the Acts that have passed since 1763, and put them on the footing of their old system of colonial administration. Surely, Sir, it is a less expensive and dangerous experiment, than that which we are now so strongly urged to make. If it should fail, Sir, how are we injured? Will our blood be spilt by it? Will our treasures be exhausted? Will our strength or our resources be the less? If the Americans should recede from their own proposals; if they will be content with nothing less than an independence equally opposite to the true interest of both countries; you may then have recourse to war, if it should then be thought advisable; and you will do it with the advantage of a united instead of a divided people at home. The colonies will not have a single friend on this side the Atlantic; there will not be a single man who will not think their resistance a most unnatural and unjustifiable rebellion; instead of thinking them, as I now do, from the bottom of my soul, engaged in a noble and glorious struggle, even if it should be carried on with a mistaken zeal, for what they conceive to be their liberties, and the natural rights of man-

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kind.—Sir, I could not be easy in my own mind, without entering the strongest and most public protestations against measures which appear to me to be fraught with the destruction of this mighty empire. I wash my hands of the blood of my fellow subjects; and shall at least have this satisfaction, amidst the impending calamities of the public, not only to think that I have not contributed to, but that I have done all in my power to oppose and avert, the ruin of my country.

Sir *Gilbert Elliot* defended lord North from the attack made on his indolence and inactivity; and, besides arguing in support of his lordship's conciliatory proposition of last year, said, he would not give his consent to the sending a large armament to America, without sending at the same time terms of accommodation.

Mr. *Rigby* rallied colonel Barré upon his numerous acquaintance. He was always much pleased and entertained with the stories of that hon. gentleman; nay, he was even entertained with the history he had given of his own life the day before, though he must own that it came with a bad grace from a person's own mouth. He then made an avowal of his principles, and declared he voted for the Address merely because it was to sanction coercive measures. He was firmly of opinion that America must be conquered, and that the present rebellion must be crushed ere the dispute would be ended. There were faults somewhere, but he did not know whether they were in the department of the sea or land. As to conciliatory plans, he was as much for them as any man; and he did not wish to fight for a paltry tea duty; but wished to be understood, that in saying so, he did not by any means give up the right of taxation, although it might not be politic to insist on it at present; and he quoted the authority of lord Chatham, to prove that it was a doctrine held in the House ten years ago, and that the earl had himself, when minister, declared the Americans should not manufacture, that they should not make a horse-nail. He concluded with hoping the minister would act with becoming vigour in America, and he doubted not of success.

Mr. *Dempster*. I do not rise, Sir, to trouble the House on the subject of the question more immediately under its consideration. The noble lord (North) has, in my opinion, concluded that matter fully and desirably. He has declared his willingness to accept of an indemnity, if the legality of the measure of introducing foreign troops into our distant garrisons and forts shall appear doubtful to the House. The expediency of that measure nobody has disputed, its legality alone is called in question, and in my opinion very justly so; but as this point will be settled by an act of indemnity, what more can we desire? The business is concluded. But, Sir, I am induced to say a few words on something that fell from the same noble lord, and that has since fallen from other gentlemen of great authority in this House; from what they have said, Sir, a ray of comfort breaks in upon us. That dark and portentous cloud that has hung so long over Great Britain and America, fraught with numberless ills to both, begins to break and clear up. Within this half hour I am induced to entertain a hope, to which I have been long a stranger, that there will be an end to bloodshed, and that peace, harmony, and happiness, may be again restored to this distracted empire. To forward this most desirable object, as far as lies in my power, is my sole motive for saying a very few words.

The noble lord has disclaimed any intention of enslaving America. He has gone so far as to say that he would not object to restoring her to the footing on which she stood in the year 1763, was there a probability of America being now satisfied with this concession. Another right hon. gentleman (Mr. Rigby) has just now declared that he will not fight with America for a paltry duty upon tea. And a third right hon. gentleman (sir G. Elliot) has expressly affirmed, that he will not consent to an armament sailing against America, unless the same fleet shall carry reasonable offers of accommodation to that quarter of the globe. There appears, for the first time, by what has fallen from those three noble and honourable persons, a disposition to relinquish the great bone of contention between our colonies and their parent state; I mean, Sir, the exercise of the right of taxing them, unrepresented as they are, in parliament. I hope, Sir, the House will revert to our ancient system of governing the colonies; for till we abandon this new-fangled system of taxing them here, a system no older than the conclusion of the last war, I will venture to affirm that no coercive measures short of extermination will ever compel the Americans to submit to it.

There is no subject on which I have

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employed more reflection, than on the grounds of our present dispute with America; the result has been an opinion by which I believe I shall abide as long as I breathe; it is, Sir, that in my conscience I think the claim of the Americans is just and well-founded, to be left in the free exercise of the right of taxing themselves in their several provincial assemblies, in the same manner that Ireland now does and always has done. By this beautiful part of our constitution, our wise ancestors have bound together the different and distant parts of this mighty empire; by this single principle, heretofore inviolate, they have diffused in a most unexampled manner the blessings of liberty and good government through our remotest provinces. Look, Sir, into the history of the provinces of other states, of the Roman provinces in ancient time; of the French, Spanish, Dutch, and Turkish provinces of more modern date, and you will find every page of it stained with acts of oppressive violence, of cruelty, injustice and peculation: but in the British provinces the annual meetings of their little assemblies have constantly restrained the despotism, and corrected the follies of their governors; they watch over the administration of justice, and from time to time enact such salutary regulations as tend to promote their happiness and well being. And what, Sir, I beseech you, could insure the regular meeting of those assemblies, ever troublesome to governors, but their retaining in their own hands, like us at home, the power of granting the funds necessary for defraying the current expence of government. Were your provincial assemblies deprived of this power, I cannot see wherein the government of America would differ from that of Indostan. And has our enquiries, in a former session, into the administration of Bengal, made us in love with the eastern species of government? Do we seriously wish to transplant the rapine and cruelties of India to America? But now, Sir, that this system is given up to our colonies, peace will, I hope, speedily follow the concession.

I cannot, Sir, but commend, in the warmest terms, the intention expressed in the Speech from the throne, of sending a commission to America to empower persons on the spot, to receive submissions, to remove oppressive restrictions, and to grant pardons and other indulgences to our fellow citizens across the Atlantic. There is but one step more necessary to be taken, and peace will, in my humble opinion, be certain and infallible; and in relation to that step alone have I ventured to rise on the present occasion. It has already been touched upon by an hon. gentleman (Mr. James Grenville) who always expresses himself with elegance and propriety. The point I mean, Sir, is that his Majesty's commissioners may be empowered to treat with the Congress. I am convinced, Sir, that America will not listen to a treaty through any other medium; it stands to reason and common senses he will not; for the Congress is not only the sole existing power at this moment in America, but it is to the union formed by means of the Congress, that America owed its strength, and its formidable power of resistance; without such a union, twelve wide-spread, far-distant provinces, thinly peopled and individually weak, could never act with effect in defence of what they think their violated rights; nor is it to be supposed they will dissolve this firm bond of union till their grievances are redressed. May I, then, be permitted very humbly to join my feeble voice to the hon. gentleman's, and entreat the ministry that no false pride, no misplaced idea of dignity and authority may induce them to forbid the commissioners from treating for and seeking peace where alone peace may be found. Let the commissioners be vested with discretionary powers, and left at least without an express prohibition to treat with that body; or let some means be devised of legalizing a Congress, by calling one *pro re nata* under his Majesty's authority. The commissioners will, Sir, I hope, be well chosen, will be men of rank and character, men of known attachment to the constitution, and revered for services done to their country; and neither too much attached to Britain nor America, but if possible, impartial in their opinion concerning the present contest.

When men such as I have described, giving weight and dignity to the commission they bear, come to treat and to reason with the Americans, much may be urged to quiet their jealousies and apprehensions, and to bring them back to their wonted allegiance to the King, and subordination to this country. They may be told, Sir, and told with truth, that parliament is not so determinately obstinate on the measure of taxation as they apprehend. They may be reminded that if parliament taxed them

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in 1764, the same parliament, finding this well-meant but injudicious measure offensive to America, repealed the tax in the year 1765. They may be told that on the memorable occasion of repealing the Stamp Act, their great champion, the earl of Chatham, laid the claim of America only to an exemption from internal taxation. They may be also told that the seven or eight duties afterwards imposed, were not internal taxes, but external port-duties on foreign commodities. And yet in consequence of those external duties being disagreeable to America, they were all repealed, except this miserable three-penny duty upon tea. And when to those arguments the commissioners can add, that parliament, even on this last article, is disposed to relax, I can hardly doubt of their success. I already see peace and harmony restored. I see the two countries, like two friends who have quarrelled, returning with eagerness to their ancient habits of friendship, and cementing more closely than before their useful connection, and affectionate union. How ardently, Sir, this is my wish, let the trouble I have now ventured to give you this night, bear witness, if the uniformity of my conduct for eleven years that this unhappy contest has subsisted, should not be a sufficient testimony of my sincerity.

The motion for recommitting the Address was then negatived. After which sir George Yonge moved an Amendment to the Address by inserting after the words "maintenance of its authority" these words, "and we will immediately take into our consideration the measure of introducing foreign troops into any part of the dominions of Great Britain, without the previous approbation of parliament." The question being put, the House divided. The Yeas went forth.

Tellers.

Yeas	Sir George Yonge -	72
	Mr. Powys - - -	
Noes	Lord Stanley - - -	176
	Mr. Morton - - -	

So it passed in the negative.

The Commons' Address of Thanks.] The Address moved by Mr. Acland, was then agreed to as follows:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your Majesty the humble thanks of this House, for your most gracious Speech from the throne.

"Permit us, Sir, to assure your Majesty, that we have long lamented the condition of our unhappy fellow subjects in America; seduced from their allegiance by the grossest misrepresentations, and the most wicked and insidious pretences, they have been made the instruments of the ambition and traitorous designs of those dangerous men, who have led them step by step to the standard of rebellion, and who have now assumed the powers of sovereign authority, which they exercise in the most despotic and arbitrary manner, over the persons and properties of this deluded people.

"Your faithful Commons took a sincere part in your Majesty's benevolent and paternal desire, rather to reclaim, than to subdue, the most refractory of your colonies; and, excited by your Majesty's great example, we were anxious to prevent, if it had been possible, the effusion of the blood of our fellow subjects, and the calamities which are inseparable from a state of war; we still hoped that your Majesty's people in America would have discerned the traitorous views of their leaders, would have considered how ruinous even their success must be to themselves, and been convinced that constitutional subjection to Great Britain is the freest and happiest condition of any civil society in the known world: but we now see with indignation, that no other use has been made of the moderation and forbearance of your Majesty and your parliament, but to strengthen the preparations of this desperate conspiracy: and that the rebellious war now levied is become more general, and manifestly carried on for the purpose of establishing an independent empire.

"We beg leave to assure your Majesty of our entire concurrence with your Majesty, in thinking that it is now become the part of wisdom, and (in its effects) of clemency, to put a speedy end to these disorders, by the most decisive exertions; and that we learn with the greatest satisfaction, that, for this purpose, your Majesty has increased your naval establishment, and greatly augmented your land forces, in such a manner as may be the least burthensome to your kingdoms; and we will cheerfully and effectually support your Majesty in such necessary measures, and enable your Majesty, when the occa-

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sion shall require it, to avail yourself of the friendly offers, which your Majesty has received, of foreign assistance: we thankfully acknowledge the gracious considerations which induced your Majesty to send a part of your electoral troops to the garrisons of Gibraltar and Port Mahon, in order that a larger number of the established forces of this kingdom might be applied to the maintenance of its authority: and we are bound in duty to return your Majesty our particular thanks, for pointing out to us, from the throne, the constitutional resource of our well-modelled and well-regulated national militia; which, upon every great emergency, cannot fail of affording security to your Majesty's realms, and of giving, at the same time, extent and activity to your military operations.

"It is with the highest satisfaction and gratitude, we hear the affectionate declaration of the father of his people, that, when the unhappy and deluded multitude, against whom this force will be directed, shall become sensible of their error, your Majesty will be ready to receive the misled with tenderness and mercy; and your Majesty's gracious communication, of your intention to give authority to certain persons on the spot, to grant general and particular pardons and indemnities, in such manner, and to such persons, as they shall think fit, and to receive the submission of any province or colony which may be disposed to return to its allegiance, demands our warmest acknowledgments; and we shall be ready to give our concurrence to such measures as may best contribute to carry your Majesty's wise and humane intentions into execution.

"Every motive, and every interest, that can animate the hearts of loyal subjects, call upon your faithful Commons to grant to your Majesty such supplies as the circumstances and exigency of affairs may require; and, being fully convinced that the security of every benefit and advantage derived to the commerce, the manufactures, and the navigation, of your Majesty's kingdoms, from the American colonies, must ever depend on their being held in that due subordination to the legislature of Great Britain in which the constitution has placed them, we should be wanting in the duty which we owe to our constituents, ourselves, and our posterity, if we did not engage, with our lives and fortunes, to support this great and important cause, in which the rights of your Majesty's crown, and the interests of your people are so essentially concerned; and we hope, and trust, that we shall, by the blessing of God, put such strength and force into your Majesty's hands, as may soon defeat and suppress this rebellion, and enable your Majesty to accomplish your gracious wish, of re-establishing order, tranquillity, and happiness, through all the parts of your united empire."

The King's Answer.] His Majesty returned this Answer:

"Gentlemen;

"I return you my hearty thanks for this loyal and dutiful Address: I promise myself the most happy consequences from the very zealous and affectionate assurances of the support of my faithful Commons at this great and important conjuncture; and I have a firm confidence, that, by the blessing of God on the justice of the cause, and by the assistance of my parliament, I shall be enabled to suppress this dangerous rebellion, and to attain the most desirable end of restoring my subjects in America to that free and happy condition, and to that peace and prosperity, which they enjoyed, in their constitutional dependance on Great Britain, before the present unhappy disorders."

Debate in the Lords on employing Foreign Troops without the Consent of Parliament.] Nov. 1. The Duke of *Manchester* rose and said:

My lords; I beg leave to call your attention to a subject of as great importance to the liberty of this country, as America was to its wealth and power, before the violence of the times had wrested that treasure from the British crown, and spurned the jewel, because the setting appeared uncouth. I do not mean, my lords, to dwell long on the unfortunate story; the page of future history will tell how Britain planted, nourished, and for two centuries preserved a second British empire; how, strengthened by her sons, she rose to such a pitch of power, that this little island proved too mighty for the greatest efforts of the greatest nations. Within the space of 20 years, the world beheld her arms triumphant in every quarter of the globe, her fleets displayed victorious banners, her sails were spread, and conquest graced the canvas. Historic truth must likewise relate, within the same little space of time, how Britain fell to half her greatness; how strangely lost,

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by misjudging ministers, by rash-advised councils, our gracious sovereign, George 3, saw more than half his empire crumble beneath his sceptre: America, late the strength, now the foe to Britain, dismembered, torn, I fear for ever lost, to England, whence she sprung. With this calamity heavy on us, our duty, interest, and love to that country which still remains, calls on us to be strictly watchful of its liberty. The late Speech from the throne has given a just alarm, has made a wound upon the constitution, which if not quickly healed, may spread a dangerous venom. The sentiments it breathes, are full of higher claims of prerogative, than any speech that I can remember since the Revolution. It appears to contain slights of this council, neglect of parliament, indifference of their approbation. The part I wish to call your lordship's attention to, is that wherein his Majesty informs the House, "he has taken possession of the garrisons of Gibraltar and Port Mahon with his Hanoverian forces." Far be it from me to impute the sentiments of this speech to the respectable mouth that was made to utter it. I am confident his Majesty has too high notions of what is right, too great a love for justice, to wish to invade knowingly the real privileges of this nation. I may go further, my lords, and even acquit the ministers of any wicked, premeditated design to infringe the subjects' liberty. I do not think such evil of them; but I cannot so easily acquit them of ignorance of our laws, or indifference or inattention to them. My lords, I take it to be an undoubted truth, an axiom in this government, that the king can maintain no standing forces, other than what are approved by parliament. But that I may not appear to build on my own reason only, give me leave to quote some acts of parliament in support of what I have advanced. I must begin by that great declaration of our liberties, the Bill of Rights. This Act, my lords, contains the claim of various indubitable rights from ancient usage, nor asks as favours any part. It is a capitulation with our kings. The Act declares the raising and keeping a standing army within the kingdom, without consent of parliament, is against law. The next I shall quote is the Mutiny Bill, which sets out in the preamble, in the words of the Bill of Rights, but proceeds, "that it is necessary for the safety of the kingdom, the defence of the possessions of the crown, and the preservation of the balance of Europe, that a certain number of forces should be kept up." It then limits what the number should be. I am well aware, it may be said, the garrisons of Gibraltar and Port Mahon are not in that number; whence or for what reason that irregularity arose, I am ignorant; but thus far it is cured, that they are annually provided for as to pay and maintenance by parliament, and therefore must be supposed approved. My lords, in the course of the late war, it was thought necessary to raise a regiment of Americans, of 4,000 men, in which some foreign officers were to serve; but it was not by the King's prerogative, but by act of parliament. At that time that great man, lord Chatham, was minister. In this Act, though passed amidst all the turbulency of a war, *flagrante bello*, the greatest precautions were taken to guard the people's rights; the number of foreign officers were limited to fifty, the soldiers were to be naturalized subjects, Protestants, to take the oath 1 Geo. 1, and the colonel was to be a natural born subject.

I will now bring your lordship down to an Act of later date; of so fresh a time, that there are few in this House who were not in that parliament that passed it: I mean the 8 Geo. 3, to increase the Irish army. This Act recites, in the preamble, the Act of 10 William, for disbanding the Irish forces, and then provides, that as it may be necessary to keep up, for the defence of Ireland, 12,000 men, in order to give some assistance to the foreign garrisons, the army should be increased to 15,235, all natural born subjects. We see here the King calling for assistance of the British parliament, in order to increase the army in Ireland. He does not, even at the head of the parliament of that kingdom, think his authority sufficient, without sanction of the parliament of Great Britain, to make the least addition to his forces. I must likewise take notice, my lords, that it will be matter of much doubt, whether Hanoverian forces, employed at Gibraltar or Minorca, will be under any law of war. The Mutiny Act extends but to troops therein specified, or voted by parliament. What law will they then be under? They cannot carry Hanoverian laws with them. The laws of England alone can govern; as British subjects, they will be under the protection of British laws. My lords, the King's prerogative I conceive to be no greater in one part of

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his dominions than another; the subject is equally protected by the laws, whether shivering in the highlands of the north, or scorching upon Gibraltar's rock. The late determined case of Fabrigas and Mostyn,* has cleared the subjects' rights. From every instance I have had the honour of submitting to you, and from the constant practice, I must infer, that the King has no right to maintain, in any part of the dominions of the British crown, any troops, other than are consented to by parliament, both as to number and to nation. I will therefore conclude with moving, "That bringing into any part of the dominions of the crown of Great Britain, the Electoral Troops of his Majesty, or any other Foreign Troops, without the previous consent of parliament, is dangerous and unconstitutional."

The Earl of *Rochford* confessed, that he was one of his Majesty's ministers who advised the measure, against which the vote of censure was now moved; that he was fully satisfied it was perfectly justifiable, and was ready to abide the consequences: that however far the professions of any noble lord might go, he would yield to none in a warm and steady attachment to the constitution, to the very Bill now so justly extolled, the Bill of Rights, that great foundation of our liberties; but saying this, he could not perceive that in the most remote degree, that law could be construed to reach the measure now so peremptorily condemned. For his part, he was unable to see how it offended against the law, either in letter or spirit. The clause plainly importing two conditions; bringing troops "within the kingdom," and "in time of peace;" whereas, it was evident to the clearest demonstration, that the troops in question were not within the kingdom; nor would any lord venture to affirm, that we were now debating in a time of peace and tranquillity. Those were the motives which induced him to concur in the measure; nor had he heard a syllable urged against the propriety of it, since it became a matter of public discussion, sufficient to alter the opinion he at first conceived. But having learned that a noble lord in the other House (lord North) who was governed by the same reasons, finding that they did not strike several gentlemen in the same light, was now probably moving a Bill of Indemnity, for the purpose of dispelling all apprehensions; and as that would of course meet the ideas of the noble lords on the other side, he must be under the necessity of moving the previous question. He knew how unfavourable to the full debate and discussion of questions of importance, this mode of proceeding was deemed; yet, he believed, when the motives he now alleged were attended to with candour, he should appear fully justified in the opinion of every part of the House. His lordship resorted to a variety of other arguments in defence of the measure, particularly on the ground of expediency, and the urgent necessity there was for adopting it, in order that the troops which the Hanoverians were intended to replace might return to this kingdom, so as to forward the necessary embarkations for America early in the spring. He observed, that the fears suggested by the noble duke were ill-founded; for still there would be a considerable force, composed of British troops, remaining in the garrisons; in the proportion at least of 1,400 to 1,000 in one fortress, and 600 to 900 in the other. In short, his lordship defended the measure, on its being legal, constitutional, and expedient.

Earl *Talbot* spoke against the propriety of the Act of Indemnity, alluded to by the last noble lord. He had never heard it so much as asserted, that an Act of Indemnity answered any other purpose, than to secure the advisers of measures against private actions, arising from damages sustained by personal contracts. Such were the cases relative to the importation of hides, and stopping the ports in 1766, to prevent the exportation of corn. As to the law declaring those rights, so warmly contended for by the noble duke, it could not admit of a ground for an impeachment, because that law stated nothing as describing any particular species of offence, and consequently annexed no punishment. In his opinion, therefore, a Bill of Indemnity could not apply, because the measure, if at all illegal, which he was convinced it was not, called for no protection against either impeachment or private actions.

The Duke of *Grafton* began with expressing his astonishment, that any lord in that House, any real friend to his country, any man who loved the constitution he was born under, could employ his time in commenting on the letter, and explaining away the spirit of that great bulwark of the constitution, the Bill of Rights; that law, which, as it were, circumscribed within it

* See Howell's State Trials, vol. 20, p. 81.

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the laws and liberties of the people of England. He should not, he said, enter into the quibbles or distinctions of Westminster-hall, or weigh each word and sentence to see what was its distinct, legal or grammatical import. No: he should appeal to the spirit, the intention, of that new Magna Charta, that claim of old rights, newly ascertained, the manifest purpose for which it was framed, the coexisting circumstances that gave it being on the part of an oppressed people: should look upon it in the light of a solemn contract, entered into between the people and their newly elected sovereign; a compact meant to be binding on their respective posterity and successors. Whenever that sacred palladium was taken away, at that instant he would be bold to affirm, the laws, constitution, and liberties of England would be annihilated. His grace next proceeded to recount the particular circumstances, previous to the Revolution, which made such a declaration necessary at that period; and adduced several cogent arguments to shew that James 2nd, had he been politic enough to accede to such a declaration, might with less noise and infinitely more safety, have effected his purposes, than he could have done by any other means; for had the letter of the law been stretched in one instance, the spirit explained away in another, the business would have been executed without risk or danger. The arguments urged by the lords on the other side, if pushed to their full extent, would go much farther than perhaps they chose at present to avow. Certainly, if "within the kingdom," did not comprehend the possessions of England, foreign troops, to any number, and on any occasion, might be legally introduced into Scotland; for the argument went fairly to this, Scotland being not within the kingdom at the time the Bill of Rights was passed, foreign troops may be introduced, and kept on foot there, without consent of parliament. His grace remarked, that such opinions being entertained by great numbers in both Houses of Parliament, was not what sunk so deeply into his mind; but when he heard a noble lord, high in office, (lord Rochford) one of his Majesty's secretaries of state, one of his confidential servants, high in his favour, and having the ear of his sovereign, avow such sentiments, he confessed he was struck with astonishment and grief, lest such dangerous doctrines may have made an impression on the best of minds, unfavourable to the liberties and peace of his subjects: yet in the midst of his anxiety on this account, he was rejoiced to hear from his lordship, that the noble lord in the other House, and his brethren in this, meant to bring in and support a Bill for the purpose of removing the apprehensions, and dispelling the jealousies produced by so unpopular and unconstitutional a measure. If this was to be the case, he would, for his part, accept of it, and would wish to postpone the motion before their lordships, though he must still continue to feel for the great interests of the nation, while on so critical and tremendous an occasion, at the very eve of a contest, which, in all probability, must for ever decide on the glory, honour, interest, external greatness, and internal happiness and prosperity. The persons to whom his Majesty was pleased to commit the government of his kingdoms had observed a most criminal silence, respecting their great line of conduct in the future progress of this very weighty and important business. His grace likewise remarked, in answer to something which dropped from the two noble lords who opposed the motion relative to the legality of augmenting the standing forces in any part of the British dominions out of this kingdom, that when he had the honour to preside at the Treasury, and to be one of his Majesty's advisers in the year 1768, on the augmentation of the troops on the Irish establishment, from 12 to 15,000 men, he applied to the first law officer of the crown at that time, whether the measure would be justifiable in point of legality, as it was repugnant to the disbanding Act of William 3, which provided that the standing military force in England should not exceed 7,000 men, nor in Ireland 12,000 in time of peace; but that able man gave his opinion, that the proposed augmentation of the Irish troops would require an act of parliament for its aid. If such was the caution of the ministers of that day, if such was the opinion of the first law officer, what shall we say to the present, where I will venture to maintain, every sanction or apology is wanting? His grace wished, before he sat down, to know from the ministers, whether the first law officer of the crown, for whose abilities and integrity he entertained the highest opinion, had been previously consulted?

The Earl of *Rochford* denied that he gave any assurance that the noble lord in

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the other House would move a Bill of Indemnity; or that he and his brethren in office would support it in this, if he did. All he meant was, that probably the noble lord who presides at the Treasury-board might, to quiet the ill-founded fears of the country gentlemen, move some proposition, or perhaps the Bill of Indemnity itself; but whatever measures those fears might give birth to, he would now, as he had done before, put in his claim to be understood, that he did not think there was any thing illegal or unconstitutional in bringing the Hanoverian troops into the fortresses of Gibraltar and Port Mahon, under the circumstances which suggested the measure. He was at a loss to know what the noble duke meant by the charge of 'criminal silence' made on him and the rest of the noble lords to whom his Majesty had committed the immediate conduct of public affairs. Surely his grace did not intend that they should come to that House, and lay before it all their private information, produce a list of the names of those who gave it, and enter into a detail of every step intended to be taken, and every operation meant to be carried into execution, should America persist to the fatal extremity of compelling this country ultimately to have recourse to coercive measures. This, his lordship observed, would indeed be as great an act of folly and absurdity as any attributed to them by their adversaries, throughout the whole of their ministerial arrangements.

Lord *Lyttelton* rose, to support the sense the noble duke put upon the noble earl's words. He said, it was in his recollection, he was sure it was in the recollection of every noble lord in that House, that the reason, or rather the apology the noble earl in office made to that House, for putting the previous question on a motion of such singular importance, was, that a noble lord, high in office, in the other House, intended this day to make a motion for leave to bring in a Bill of Indemnity, in order to obviate and remove the apprehensions of the country gentlemen. If, then, the noble earl meant to retract or explain away his words, he would be bold to say, that the present motion would meet with much stronger support than his lordship was aware of: on the other hand, if the noble lords in office would speak out, and pledge themselves that such a quieting measure was meant to be carried into execution, for his part, he was one that would, on the present very critical occasion, prefer a Bill of Indemnity to a vote of censure on the advisers of the measure. The arguments urged by the noble earl who moved the previous question, and by the other noble earl who supported him in opinion, afforded matter of equal surprize and alarm. Their lordships say, the only security the people of England have against being governed by a standing army, is the Bill of Rights: that the Bill of Rights only applies in such instances, and to such particular purposes. What then, said his lordship, is the glorious Revolution, the only sure foundation of all our liberties, the Bill of Rights, the compact entered into between the contracting parties at that glorious period, as well as the acknowledged sense in which this modern Magna Charta has been received for nearly a century, to be at once done away by distinctions, divisions, and explanations directly repugnant to the intentions of its original framers, to the spirit, to the letter, nay to both the legal and constitutional construction? I was willing to make every reasonable allowance; to grant something for expediency, more for necessity; in short, I was willing to accede to the propriety of any thing, or every thing, which might be urged in justification of the measure; but that it was legal, or constitutional, is a proposition I can never assent to; that is a doctrine, which, as an Englishman, I will never endure. Though a young man, I am old enough to remember the conduct of a great minister, a steady friend to his country, I mean that of the earl of Chatham, upon a similar occasion. His lordship ventured to call it a similar occasion; yet he believed, no noble lord in the House, however sanguine for the present system of measures, would assert that the present urgency came up to the one he was going to mention. It was in the very heat of the war, when we required the men necessary to recruit our navy and army on an average from 15 to 20,000 men annually, that that great statesman seeing, and very sensibly feeling the necessity of having recourse to foreign levies, resolved to raise a certain number of foreigners to be employed in the American war. His lordship accordingly raised a German regiment, to consist of four battalions: but how did he carry this measure into execution? Why, in the midst of a war, the widest in its extent, most interesting in its consequences, the greatest in its immediate importance, the heaviest in point of expence; when our coasts were daily ex-

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pected to be invaded by our natural, dangerous, and inveterate enemies; while the war even in America was yet doubtful, if not unpropitious, the earl of Chatham, instead of pleading the great, strong, and justifiable motives of necessity; instead of cavilling on this word, or commenting on that, in the full spirit of the constitution, in the full spirit of an Englishman, came to parliament, to obtain its sanction. And so very careful was that great man, so tenacious of every thing which might be construed into the most trifling invasion of the Act of Settlement, that he procured two remarkable clauses to be inserted in the act of parliament, which enabled the crown to take those Germans into pay; the first providing that those troops should serve in America only; the other, that none of the foreign officers should bear commissions higher than that of lieutenant colonel.

The Earl of *Effingham* not only disapproved of the measure of bringing foreign troops into any part of the British dominions, but the employing them at all in the present contest with America. He enumerated several cogent reasons why he thought such a measure would be dangerous; but more particularly, when the operations of war would be of such a nature as to bring them into the empire, if not into the kingdom, alluding to the report of 20,000 Russians being taken into British pay, either to make war in America, or to defend this country against any attack that might be made by our foreign enemies near home. His lordship next turned his thoughts to the motion: and after expatiating on its dangerous tendency and manifest illegality, animadverted on the danger of intrusting the care and protection of two such valuable fortresses to the care of aliens, who could never be supposed to be so warmly interested in their safety and defence as Englishmen, who, to the duty and prowess of soldiers, would always add the enthusiastic zeal of freemen and Englishmen, who felt themselves contending for nothing less than the trade, commerce, and naval power of their country. He alluded, as a corroborating circumstance of the care and attention which should always be paid by those who had the concerns of the kingdom under their direction, to this well known fact, that the commanding officer at St. Roque had positive orders to seize and improve every possible advantage, either by stratagem, open force, or surprize, for the recovery of Gibraltar.

The Duke of *Grafton* said, he was too conversant in business, and too well acquainted with the necessity of secrecy, to wish for any communications from his Majesty's servants, which might subject the persons or properties of those who gave, and perhaps continue to give, the necessary informations on which plans of either hostility or concession may be formed. He still had it less in his thoughts to press the noble earl who so pointedly animadverted on his charge of criminal silence, to declare what were the specific operations meant to be adopted: nothing was further from his thoughts; for that was not the species of information he wanted. He had heard it generally reported, that the noble lord who has the conduct of the national business in the other House, informed that House, it was intended to augment our military force to 70,000 men, and a proportionable naval establishment; or, as it was reported, to the utmost extent; in short, to strain every nerve in support of this very favourite war. A silence, therefore, on this subject, while general measures of coercion are so warmly recommended, is what I call criminal. We are hurrying precipitately into measures of great extent and deep importance, without a ray of light to direct us in our progress. We shall sit here and argue, day after day, on the measures proposed, one by one, to our consideration, while we remain totally ignorant of the facts, by which alone we can be enabled to judge whether we are acting right or wrong. We neither know the forces which are to resist us, their numbers, discipline, or resources. On the other hand, we are as ill informed of the force we mean to employ against those people, whether they are in part to consist of foreigners; what is generally understood will be our probable expences; how the necessary supplies to carry on such an unnatural war are to be raised. On the whole, we are totally ignorant of every single point necessary to the proper determination of matters of such weighty consideration, points which might lead us to balance the expences, the inconveniences, the hazards of such an arduous undertaking against the claims of America; and on the whole to coolly decide whether it would not be more wise, just, expedient, and magnanimous, to adopt conciliatory than coercive measures. It is only by such a mode of proceeding, I am satisfied, it can be worth your lord-

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ships while to attend your duty in this House, with honour to yourselves or benefit to the nation. By nothing he had offered, did he in the least wish to abridge the royal prerogative; on the contrary, he always was, and would continue, to carefully watch, as far as in him lay, any encroachments on either side; the present power of introducing foreigners was, in his opinion, not a power legally inherent in the crown; he should therefore oppose it as zealously as he would any, which tended directly or indirectly to strip it of any of its just rights.

Viscount *Weymouth* contended, that neither the letter nor spirit of the Bill of Rights was in any degree invaded by the passage in the King's Speech alluded to this day; much less violated. What, said his lordship, are the words of that law? That no standing army shall be kept on foot, without the consent of parliament, in time of peace, within this kingdom. What is the spirit and intention of this provision? Certainly that no army shall be kept up, without the consent of parliament, at any time. I will appeal to any noble lord, on either side of the House, if this be not perfectly consonant both to the letter and spirit of the Act. Is it pretended that there is any such thing intended on the present occasion? In times of most urgent necessity, during the recess of parliament, a body of troops is called for, by a particular exigency, arising during that recess. His Majesty, as elector of Hanover, urged by the most gracious motives, offers the wanted aid in one capacity, and accepts of it in another. Does such an Act as this encroach on or defeat the Bill of Rights? Does it assert that any such power is inherent in the crown? On the contrary, does it not impliedly assert the very reverse, by submitting the measure itself to the judgment of parliament? As to the legality, I will confess fairly, that I think the measure every way unexceptionable. The law annexes these two positive conditions, "within the kingdom," and in "time of peace." Is there a noble lord present, who will gravely assert, that the word 'kingdom' here means all the dependencies and possessions of the crown of England? Or, if there be, is there a second lord, who will after seriously contend, that the present is such a time of peace as ties up the hands of the sovereign from exerting those powers intrusted to him for the protection of every part of his dominions? If there be, I must fairly confess, that the law, thus construed, would be productive in some particular instances, not at all exceeding the bounds of probability, of evils, if possible, much more fatal to the safety of this empire, than any imputed to the measure now so loudly condemned. The noble lord who spoke last, informs us, that there is a constant standing instruction to the commandant of the Spanish lines to be upon the look out, and whenever an opportunity offers, either by surprize, stratagem, or the known weakness of the garrison of Gibraltar, to seize and improve it, so as, if possible, to regain the possession of that important fortress. Now, for my part, this piece of information, if to be depended on, operates upon me in a very different manner from what it has on the noble lord who imparted it; for it strengthens me still more in my opinion, relative to the propriety of the measure; because it shews how necessary it is to take care, that Gibraltar should at all times be garrisoned in such a manner as to defeat any attempt there might be made on it; in pursuance of this general military instruction. His lordship then turned his attention to the Bill of Indemnity which had been so often mentioned in the course of the debate. A noble duke, who spoke early, had expressed his surprize, that any noble lord in administration could raise a single objection to a Bill of Indemnity: but he begged leave to remind his grace, and call to the recollection of the House, the conduct of some other noble lords, when a Bill of Indemnity was offered, and at length forced on them, in the year 1766, for stopping up the ports, to prevent the exportation of corn. Then his Majesty was made to justify the act of suspending an act of parliament, by the mere virtue of his royal authority; then it was, that one noble lord said, in mitigation of such a gross violation of the constitution and the laws, that at most the proclamation was but a forty days tyranny; it was then, that another noble earl (Chatham) who was at that particular period supposed to have the conduct of the affairs of this country, argued strenuously against the propriety or necessity of the Bill, though he at length consented to it; and it was then another noble lord (Camden) high in office, contended to the very last, that the measure was justifiable, and refused to concur in a vote for its passing.

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The Earl of *Dartmouth* confessed, that he had been one of the advisers of the measure. He denied the least intention of bringing the Russians into Great-Britain, nor was it, he said, determined to employ them in any manner; at the same time, if a necessity should arise, he could discover no impropriety in employing them in the manner in which they might be rendered most capable of carrying into execution the measures which the wisdom of parliament might deem necessary, in pursuit of the just exertion of its constitutional claims directed to the general interest of the empire.

Lord *Camden* pressed the illegality of the measure. He said it was not necessary, in order to decide on a question of such high importance, to send for a lawyer from Westminster-hall, and produce him at their lordships' bar, with a label in his mouth, to declare what was the law of the land; for the law now under consideration, he contended, was of a very different nature, and would admit in its interpretation of very few of the distinctions and technical modes of exposition, which were found necessary to come at the true construction of a matter of mere law; yet even on that ground, if the question was to be solely determined on it, he had not a single doubt but he should be able, against its warmest adversaries, whether in private or public, to prove that it was one of the most clear and decisive points, that ever had half an hour's argument spent on it, or indeed the clearest which chance, ignorance, or obstinacy, ever brought into legal controversy. After elucidating in the most satisfactory manner, the literal and obvious meaning of the clause in the Bill of Rights; after adverting to the spirit of that law, as applying to the grievance which was then to be remedied; after pointing out the true construction of the letter and spirit united, as interpreted for a series of almost 90 years, and during the reigns of four princes, besides the present, three of whom were foreigners, no slight matter of consideration, he drew this obvious conclusion, that no foreign troops could be brought into the dominions of the crown of Great Britain, without the previous consent of parliament. His lordship observed, that distinctions had been made between a time of peace and a time of war; but he was certain, that neither the law nor any usage justified any such interpretation. It was true, that the word 'foreigners' was not mentioned in the law; but would any one infer from that, that though it was not permitted to keep a standing army of natives, it might be wise, constitutional and legal, to keep on foot a standing army of foreigners? He said he was ashamed to dwell on such puerile distinctions, were it not that such great stress seemed to have been laid on them by one or two lords on the other side. He next entered into a view of the general question; and dwelt particularly upon two points. The first was, in relation to the charge made against him by the last noble lord who spoke, relative to the Bill of Indemnity passed in 1766. His lordship said, that he always understood it to be a received maxim in politics, that the *salus populi* was the *suprema lex*; when, therefore, the then lord mayor of London informed the privy council that the crop of bread corn was extremely short, not much above a third of the annual consumption, the calamity was universal and threatened all Europe, and that consequently every means would be used to drain the country of its scanty stock, so as by such means to threaten a famine; he thought, for his part, and ever would continue to think so, that the maxim of *salus populi suprema lex* was never more applicable. It is true, it was against an act of parliament, but he was still of opinion, with that great philosopher Mr. Locke, that there were cases of necessity, neither provided for nor foreseen, which fully justified a departure from the mere letter of the law. That was his opinion then; so much so, that he could never be prevailed on to think, that he wanted a Bill of Indemnity, that he wanted a pardon, for concurring with the rest of his Majesty's ministers, in preventing the dreadful consequences of a famine, perhaps in saving the lives of some millions of his fellow-subjects; but what kind of affinity or similarity there was between the necessity of that day and the necessity of this, was what he could not possibly discover. Here it was only to give directions to have the troops ready to embark, to have the transports in the harbour, to assemble parliament a few days earlier, and to procure a vote of both Houses, by which means every proposed end would be effectually answered; he doubted much if a single day would be lost, nay, he was convinced, the whole might be managed in such a manner, as to avoid the loss of a single hour. The other matter he dwelt on was, the consequences that were to be dreaded,

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from the measures meant to be carried into execution. Those he feared would turn out to be exactly similar to what happened to the Athenians, in their contest with their colonies planted in the island of Sicily. They were a great maritime nation, they planted colonies, they increased their riches, power and maritime strength by this plantation, they grew at length mighty and overbearing, tyrannical to their dependencies, and jealous of liberty in any part of the Athenian dominions, beyond the confines of Attica. They had triumphed over their neighbours, the republic of Sparta, who were in some measure to them what France is to us, their superior on land, and their continual rival in power and greatness. What was the consequence? Intoxicated with their increase of power and opulence, they began to oppress their colonies; the colonies took arms; four generals of great note were sent from Athens to subdue them; the Athenians were defeated; more troops were sent, reinforcement followed reinforcement; at length they were totally expelled that island; not a general, nor scarce a man, ever returned to relate the circumstances of their successive defeats. Thus, deprived of every foot of land they possessed in Sicily, and divided among themselves, they shortly after fell a prey to their ambitious and inveterate enemies, the republic of Sparta.

The Earl of *Denbigh* insisted, that it was not the ministry that deceived or misled that House; but it was a set of men in the country who flattered themselves they would be enabled thereby to force themselves into power and office. Unfortunately for both countries, those incendiaries had been too successful. It was, therefore, necessary to convince such men, that they could draw no advantage from such arts, by which means those delusions would be dispelled, by which the people of America had been unhappily misled; or if they should pertinaciously adhere to their errors, they must be convinced, that no subject of the British empire, can appeal to any other mode of decision, or be safe under any species of protection whatever, but such as the laws and constitution afford. His lordship entered fully into the construction of that paragraph in the Bill of Rights which immediately applied to the question before the House; and contended, that that paragraph by no means reached the present case, for neither Gibraltar nor Minorca could be said to be described in the words "within the kingdom," that phrase manifestly having a retrospect to the very circumstance which made it necessary to declare the sense of the whole nation on the matter; namely, James the 2nd keeping up a standing army "in time of peace, within the kingdom, without the consent of parliament."

The Duke of *Richmond* observed, that it was usual with the noble lords in administration, when they found themselves pressed in argument, to fly for sanctuary to their usual topic of imputing factious motives to their antagonists. Such a conduct answered one end, that of drawing off the attention of their lordships from the question; but it was however not without its advantages in a contrary direction, for it shewed the dispassionate part of the House, that the argument on every true, sound, relative ground, was against them; was tacitly deserted; when ministers and their avowed supporters were obliged to have recourse to such flimsy aids, of keeping up a conversation when the point in debate had been virtually, nay actually deserted. His grace observed, that several noble lords had taken it for granted, that hiring foreigners was frequently practised since the Revolution, nay sometimes they had been brought into the kingdom without the previous consent of parliament. How far this general assertion might apply, he would not pretend to determine; but this he would venture to assert, that foreigners were never, upon any pretence, brought into this kingdom without the consent of parliament either by treaty or address. It had been said, early in the debate, that the Hessians had been brought over in 1745, without any previous parliamentary communication: but nothing could be more erroneous; for though they were not called over by an express act of parliament, either then or in 1756, both Houses consented to it by an address to the throne, in one instance; and where that sanction was wanting, by some existing treaty, ratified by parliament. As to taking foreign troops into British pay, and afterwards prevailing on parliament to ratify such engagements, that did not come up to the present point; but even allowing that to be the case, some of the noble lords, and many of the descendants of others of them, differed widely upon the subject in the year 1742, when a body of Hanoverians was taken into British pay, and afterwards the minister came

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to parliament to make good the engagement. On that occasion, there was a very remarkable and spirited Protest entered on the Journals.* [Here his grace, after reading part of the protest, read several of the names, among which were those of the keeper of the privy seal, Talbot, and several others. His grace went fully into the question, and closed his observations with this argument:] the noble lords on the other side insist that it is competent to the King to raise and keep an army in time of war, or rebellion, in any part of his dominions, previous to the consent of parliament; that the paragraph in the Bill of Rights makes no distinction between an army of natives and foreigners; and that there is at present a rebellion in America. Now I will draw my conclusion, as an inevitable consequence, from these premises, that the King of Great Britain may now, or at any future time, introduce into this kingdom directly, either in time of war, or when there is a rebellion in any part of this vast empire, any number of foreign mercenaries he pleases, without consent of parliament.

Lord Chancellor *Bathurst*, deserting what he called the quibbles of Westminster-hall, and the subtle distinctions of lawyers, allowed that the fortresses of Gibraltar and Port Mahon were fairly within the spirit and meaning of the paragraph of the Act of Settlement, and that in the same sense, too, he understood it applied to foreigners, but to neither in the manner now contended for; for if those fortresses came within the description of "within the kingdom," so did America; consequently America being now in rebellion, the operation of the Bill of Rights, law must cease till peace be restored; and on that ground the measure of sending the Hanoverian troops to Gibraltar and Minorca was perfectly justifiable. His lordship declared that, with the rest of the cabinet ministers, he had assisted in advising the measure.

Earl *Gower* made the same declaration, and entered into the consideration of American affairs. He said it was strongly insisted on the other side, that we should never be able to coerce America. He was sure we should: that was a fair argument. The noble duke who spoke last but one, had read a long list of names, supposing that the sons and descendants of the noble lords who signed that protest ought to inherit the same political sentiments with their titles and fortunes, but he perceived the noble duke's father's name was not among the protesters, and that his principles, of course, were very different from his son's; and that was another fair argument. His lordship defended the whole of the measures engrafted on the King's Speech.

The Earl of *Shelburne* said, the Bill of Rights is declaratory: it supposes a law which can be found in no written book or statute whatever. It can only be looked for by recurring to its principle. The only principle that can be suggested is the danger to be apprehended by keeping a standing force without the consent of parliament. To do this within the limits of the kingdom, and in time of peace, is more dangerous, and carries with it less colour of necessity. To do the same in Ireland, Gibraltar, or any of the dependencies of the kingdom, may be less dangerous; but will any man say, there is no danger? If there be danger, the difference of the degree can make no change in the principle, nor in the law founded on it. It may be asked, why was it not declared in this extent in the Bill of Rights? The letter of the law and the history of it, give the answer. The parliament was satisfied that king James had raised or kept a force within the kingdom in time of peace; and their declaration of the law was naturally commensurate to his violation of it. It must be a strange interpretation of that declaration to infer from it, that a conduct on the part of the crown which, under such aggravating circumstances, was highly dangerous as well as illegal, could in a case where the danger differs only in the degree, be perfectly legal and innocent.

The House divided: Contents 31, proxy 1; Non-contents 53, proxies 22.

Debate in the Commons on employing Foreign Troops without the Consent of Parliament.] October 31. The Hon. *Charles Marsham*,* as the noble lord (North) had not given the House any satisfaction relative to introducing the Hanoverian troops into Gibraltar and Port Mahon; and as he had heard nothing in justification, which had reconciled him to that measure, he took the opportunity of giving notice, that he meant to move for leave to bring in a Bill of Indemnity at a short day; unless

* See vol. 12, p. 1180.

* Afterwards Earl of Romney.

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the minister would rise and assure the House, that he intended to do it himself.

Lord *North* said, as far as his own thoughts went, he was perfectly satisfied of the legality of the measure; yet, as some gentlemen seemed apprehensive that it might be hereafter drawn into precedent, as an individual, he had no objection to concur in any measure which might tend to keep the heads of ministers more securely on their shoulders. He had consulted several, who united in opinion with him, that Bills of Indemnity were never resorted to, but to defend the advisers of objectionable measures against actions at law; but never against a criminal charge, on which the person offending, or supposed to offend, was liable to be impeached. He said, he had a Resolution in his pocket, which he drew out and read: "Resolved, That it is the opinion of this House, that his Majesty having ordered a body of his electoral troops to compose part of the garrison of the fortresses of Gibraltar and Minorca, whereby the greater part of the troops of this kingdom may be employed for the support of his authority, has shewn his attention to the interests of this country, being, in the opinion of this House, a measure necessarily demanding more dispatch than was consistent with waiting for the assembling of parliament."

Mr. *Marsham* excepted to the Resolution; first, as it did not by any means come up to his idea on the subject; secondly, though it had, he could never agree to encounter the established law of the land, springing out of the constitution, by a resolution of one House of Parliament.

Governor *Johnstone* disapproved both of the Bill and Resolution; and believed it would be difficult to quote a more respectable authority than supported him in his opinion. He remembered well, that in a speech attributed to lord Mansfield, universally given him by the public, and believed to be genuine, that noble lord, who when he rides the horse of liberty, which he wished he would ride oftener, for nobody knew how to ride him better when he mounted him, speaking of the Act of Indemnity, relative to stopping up the ports to prevent the exportation of corn in 1766, does not treat Bills of Indemnity, as applying to the paltry consideration of being a bar to private actions; but describes them as favours and indulgences to ministers, as pardons for mere blunders and errors, not proceeding from the intention.

Lord *North* said, his resolution might be made the resolution of both Houses by a conference.

Mr. *Marsham* still said, that was by no means satisfactory, and gave notice that he should move to-morrow for leave to bring in a Bill of Indemnity.

November 1. Lord *North* said, although his own particular sentiments continued to be, that the measure of sending part of his Majesty's electoral troops, to form part of the garrisons of Gibraltar and Minorca, was perfectly legal and constitutional, under the circumstances in which it was done, yet as several gentlemen did not see the matter in the same light, to whom he would wish to give every satisfaction in his power, he would move for leave to bring in a Bill of Indemnity. His lordship accordingly moved for leave to bring in a Bill to indemnify such persons as have advised his Majesty to send to the garrisons of Gibraltar and Port Mahon, a part of the electoral troops of Hanover, during the recess of parliament.

Nov. 3. Sir *James Lowther* moved, "That the introducing the Hanoverian Troops into any part of the dominions belonging to the crown of Great Britain, without the consent of parliament first had and obtained, is contrary to law." He said, he would not take up much of the time of the House in entering into the great question of law which this resolution led to, that doubtless would be spoken to by more able gentlemen than himself. The measure appeared to him to be doubly improper, both as being in direct opposition to the Bill of Rights, the Act of Settlement, and the established law of the land; and also that it is highly inexpedient in the present state of the dispute with America. Why are we, he said, to have recourse to foreign mercenaries, instead of our own troops? Why place a dependence upon those who cannot feel the same call for defending the liberty of this country as the natives of it? There is no good reason for this; and if we may judge from the uniform tenor of administration in all their conduct, we ought to consider it as a most dangerous weapon in the worst hands which any weapon can be lodged in. But the noble lord on the other side the House will tell us that he is the able pilot that is to conduct us into port. I should be glad to ask that able pilot what are the provisions he has made on the

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continent of America for the employment of those numerous forces to be voted? Where are his transports and victuallers to go? Where are his magazines to be formed? What security will he give us that they are not to roll about the Atlantic by way of a harbour? But one question ought to include a thousand others. Why have we not peace with a people, who it is evident desire peace with us, and who are ready to submit to the legislative authority of this country? He then read, as a part of his speech, the last Address of the Congress, to the people of England.

Governor *Johnstone* moved to read that part in his Majesty's Speech, which says, "and I have, in testimony of my affection for my people, who can have no cause in which I am not equally interested, sent to the garrison of Gibraltar and Port Mahon, a part of my electoral troops." He then acquainted the House, that he rose to second the motion. Nothing, Mr. Speaker, requires such watchful attention in this admirable system of government, as the due poize of the sword between the king and the people. His Majesty has the entire command of the troops after they are raised or introduced into his dominions, that military operations may be conducted with that secrecy and dispatch, which is necessary to give them their full effect; but the people, on the other hand, must be first consulted on the occasion of raising or introducing such troops, lest under the pretence of defending us against our enemies, an overwhelming force may be turned against our dearest rights. This rule I take to be a corner stone in the British constitution, which once removed, leaves every privilege we enjoy, at the mercy of the King. The words the Clerk has just read, I consider as the most wanton violation of this principle, and the most avowed declaration, that it does not exist in the law or spirit of our government. It is to meet such dangerous doctrines, and to vindicate the wisdom of our ancestors, who have not left the rights and privileges for which they bled on so precarious a footing, that I now presume to trouble the House; nor does the Bill of Indemnity slacken my ardour on the occasion. In the preamble to this Bill, it is declared, "that doubts have arisen" on this great constitutional question; I say, then it is fit the legislature should determine those doubts. If so palpable a defect remains in this government, let us boldly declare the fact, and correct it without delay. If, as I apprehend, it is free from so glaring an absurdity, as that of supposing his Majesty can introduce any number of foreign troops into his dominions without the consent of parliament, let us, with equal willingness, assert the right of the people; and censure, or pardon, those who have offended, as their conduct, when duly considered, may deserve. But in tenderness to them, do not let this assembly forget what we owe to our country: do not let us forget what we owe to our own dignity as legislators, by leaving so great and essential a point undecided, merely in compliance with the humours of some gentlemen, who want to balance between their former professions and their present conduct.

It was happily observed by a noble earl, whose superior wisdom was so long revered in this House, that you might intrench yourself with parchment up to the teeth, as defences against the power of arms put into the hands of other men: but the real security consisted in never admitting of such numbers as could effect any evil purpose; for wherever such power had been intrusted, distinct from the guardians of liberty, the sword had always found a passage to the vitals of the constitution. This principle ever directed our peace establishments, till the reign of his present Majesty. This had governed the conduct of our ancestors till this hour. This jealousy is evident in every clause of the Mutiny Bill, whereby a military establishment is interwoven into our government. But in case this prudent generous jealousy is commendable against our own countrymen and fellow-citizens when they become soldiers, they who have equal privileges to lose and to defend; they who have all the ties of friendship, relation, and education, to restrain them from destroying the liberties of their country; how much more watchful and attentive ought we to be, when this intoxicating power is delivered up to foreign mercenaries, who have no object but the pleasure of a prince; who have been accustomed to consider the rights of a freeman as an insult on their profession? Shall neither argument nor experience stop this House in the madness of her American career? Must every principle of our government be dissolved in the contest? Shall the first barriers of our freedom be levelled with the dust, to favour our ministers in their absurd management? Shall we despise the history of all those nations, from Carthage

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downwards, who have lost their liberty by employing foreign troops, and recur to those silly arguments which have always been used as the reason for first introducing them? How different is the spirit which prevails now, to that which inspired our ancestors after the Revolution? That the House may judge on this point, I desire the Message from king William, of the 18th of March, 1698, and the Answer of the Commons, may be read. [The same was read accordingly.*] Here you find a king, to whom the very parliament he addressed owed the freedom of their resolves, supplicating with a degree of eagerness, humility, and affection, that might have melted a Roman father, in behalf of troops, who had been active in his service; who had been the companions of all his glory, and all his toils, whose numbers could be no object of jealousy; but those real patriots knew the nature of courtly precedents, and they saw the consequences of this. They refused the common formality of appointing a day to take his majesty's message into consideration; they waved those trifling respects, when the constitution of their country was at stake; they instantly named a committee to draw up an Answer, and the House most solemnly and truly declared, as you have heard, "that they could not consent to his majesty's request, without doing violence to that constitution his majesty came over to preserve." While I commend this glorious spirit in our forefathers, I hope there is no person who hears me, that can believe it springs from any of those ignoble prejudices, which sometimes prevail against the inhabitants of other countries. Singly and individually, I believe a Frenchman as good as an Englishman, and a Spaniard equal to either, if they are protected by a free government. All I maintain is, that their misfortune having placed them under despotic governments, they are more fit to destroy, and not so fit to preserve, the privileges of freemen. That the happy predilection every man feels for his native soil, is a principle established by God, and ought to be strictly attended to by statesmen in the formation of armies, and that no intelligent statesman ever despised this natural affection, or would wish to have recourse to foreigners in the wanton degree the instance before us exhibits. It is said, we have plenty of money, but are scarce of men. If money is so plenty, it were well to consider from whence this superabundance comes, before we kill the hen that lays the golden egg. It is strange, in one breath to declare our plenty, and in the next to plead our poverty, as a reason for altering our ancient system of colony government, to get money to support us! As to the scarcity of men, I maintain, if any country wants men for its necessary purposes, there are some defects in the system of government. Every country under a good government will breed up to the numbers wanted, and the means of subsistance. If population falls off, there is some radical defect—I perceive some gentlemen seem to laugh at this doctrine—I laugh at their ignorance. Will any man allege there is no radical defect in our government, where by impolitic impositions in your revenue laws, 1,000 men are annually lost to the kingdom, and 4,000 are tempted to work against its interest; 5,000 are annually lost in gaol, or as fugitives driven abroad by the severity of your laws respecting private debts; 1,000 by criminal punishments: 1,000 soldiers die annually out of the course of nature, by the manner of shifting our troops from station to station, to pick up the diseases of all climates; some millions are lost, to national defence, by the oppressive laws about religion in Ireland. Is it possible to consider these facts, and assert there is no defect in the government under which they happen? The introduction of foreigners by bills of naturalization, or stretches of prerogative, to remedy such waste, can only render the disease more incurable. Administration place this war to the account of the dignity of the nation; for they acknowledge no other profit, or advantage, can be reaped from it. But is there any step that can reduce the reputation of this country so low, as that of depending on the electorate of Hanover for the interior government of its own subjects? What a confession at the outset in this business! that Great Britain is unequal to the contest! How are the mighty fallen since the peace of 1763? What a spectacle for Europe! Can it be supposed that the force of the empire is really so diminished, or must we impute it to the injustice of the cause, and the madness of our rulers, who, without exterior cause, have rent the empire asunder in so deplorable a degree? So far I have reasoned on the bad policy of this measure, supposing it had been

* See Vol. 5, p. 1194.

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permitted by the law of the constitution. I shall now consider it upon the spirit, and then upon the letter of the law.

The spirit of the constitution is fully declared by the Bill of Rights, and annually by the Mutiny Bill. "That the raising, or keeping up a standing army, within the kingdom, unless it be with the consent of parliament, is against law." Is there any man so narrowed in his ideas of government, as to think, in a sentence declaratory of the first essential principles of the constitution, that the words 'within the kingdom,' meant merely the territory of England? The Bill of Rights is not an enacting law, but declaratory of the old rights of the subject by the common law: in this case we must look for the principle that governs the rule; wherever this principle extends, the law applies. The principle is plain, that the king may never be able to assemble any military forces for unjustifiable purposes, so as to overawe the parliament to enact, or the people to acquiesce in measures, which may be destructive of their freedom. Let us try the construction contended for by the friends of administration by this rule: to what purpose prohibit the king from exercising this power in England, if he can aise or introduce into Ireland or Guernsey, or the plantations, whatever number of armed men he pleases? The reasoning is so weak and absurd, that I am well informed, the first law officer of the kingdom has abandoned it in another assembly; besides, if this doctrine takes place, what security have the people in the colonies for any of their privileges, if his Majesty can order what number of forces he pleases, into the different colonies, without the consent of parliament? How does this accord with the doctrine of virtual representation? If their members here have no vote in the most material of all other concerns in a free state, the power of the sword, the feeble protection from withholding their pay and subsistance is of little avail: the elector of Hanover may pay them; men in arms will ever find money for themselves. Nor can there be any reason alleged for resigning this power to the crown: foreigners never can be employed without leaving sufficient time for calling the parliament; whenever it is necessary to employ them, the occasion must be so momentous as to demand the advice of the great council of the nation. To allege, as in the present case, that the members of this House would rather submit that the crown should possess the power of butchering half the inhabitants of the empire, than be disturbed in their diversion of killing a partridge, is the severest satire that could be pronounced upon us. It may be true of the majority. But in that case I ask, if there can be so strong a proof of a declining empire? I ask, if such dispositions prevail, if the people of America have not just grounds of jealousy against submitting the protection of their dearest rights to such guardians? I maintain there was full and sufficient time, without retarding the measure, to call the parliament; the transports, with the Hanoverians, are not even yet sailed from Stade. The manner of mentioning the fact in the King's Speech, (more as a piece of news than as a measure on which we could deliberate) sufficiently shows that the prerogative of sending foreign troops to every part of his Majesty's dominions beyond the kingdom of Great Britain, is claimed by his Majesty's ministers as an undoubted power in the crown: and though the Bill of Indemnity, now introduced, shews they are under much difficulty in maintaining this doctrine by argument, yet every man of sense must see this business is merely to amuse the country gentlemen, that they might retire with decency on this day; for I defy them, under all the shifts of parliamentary doublings, to negative this motion, consistent with their former principles.

Another objection to this measure occurs very strongly to me. His Majesty has declared, that any treaty which may be made for the employment of foreign assistance, shall be laid before the House. Now I maintain, some treaty for mutual contract (which is here the same thing) must have been made with the elector of Hanover, and registered in his council for the employing those troops. They are corps as distinct from the troops of this country as the Russians. His Majesty and the elector of Hanover, are, in their political capacity, as distinct as the empress and the king of Great Britain. Does any one suppose, so perfect a despotism prevails in Hanover, that the elector has ordered the troops of that state without some formal capitulation? If there has been a capitulation, we have a right to see it. The ministers have engaged his Majesty's word, that every treaty for that purpose shall be laid on the table, and in case it is withheld, or denied, they are responsible

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for the breach of so sacred a declaration. But after sporting with the royal proclamation, under all the seals and solemnities of the state, in the Quebec Bill; after despising charters of government granted by his Majesty's predecessors, and acquiesced under for hundreds of years, as the proper executive form of binding the nation, I am not surprised, they mock and ridicule a speech to parliament of their own drawing.

I come now to consider the letter of the law. The Act of Settlement 12 W. 3, c. 2. enacts, "that no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereto belonging, (although he be naturalized, or made a denizen) except such as are born of English parents, shall be capable to enjoy any office, or place of trust, civil or military." Now I ask, if possession of the fortress of Gibraltar, or Port Mahon, is not a great military trust? I ask, if the King could commit this trust to the officers of Spain, or France? I desire to know where the distinction in point of law is to be found, which renders it more legal to commit those great national bulwarks to Hanoverians than Spaniards? The ministry, under the duke of Newcastle, by advice of the late duke of Cumberland, had made the same mistake as to the prerogative of the crown in a capitulation they had made with colonel Prevost, for employing foreigners in America, without the previous consent of parliament. I heard Mr. Pitt, in his place, tell the then ministers, if they should dare to employ such troops, he should consider the Act of Settlement as broken, and that he would impeach the advisers of such illegal measures; this was at the commencement of a war with France, yet no apprehension of danger could induce that great man to yield any constitutional point to the expediency of the moment, which might establish a precedent, that might ruin his country. These ministers, though in possession of full as great a majority as generally follow the voice of the noble lord in my eye, were too wise to persevere. They brought in the Act of the 29 Geo. 2, c. 5, to enable his Majesty to grant commissions to foreign Protestants in America, only with the several limitations in the Bill, which every officer knows. If his Majesty had possessed the power of employing foreign troops, where was the necessity of such a Bill? The distinction that is taken by the noble lord in the war department, is trifling to the last degree. He says the difference is obvious, because in the one case, they hold commissions from the King; in the other, from the elector of Hanover. Are they less to be feared, because they do not hold their commissions from the state? Are they not equally under the order of his Majesty, when they enter his dominions? The law does not say, they shall not hold any commissions, but any office, 'or place of trust,' civil or military. Our ancestors did not guard against the shadow, and submit to the pressure of the substance. What further confirms me in this opinion is, the words of the Mutiny Bill. It declares, as a principle in the constitution, "that no man can be forejudged of life, or limb, or suffer any punishment, but by the judgment of his peers." It makes the exception as to the army, to be employed under that Bill. Gibraltar and Minorca are expressly mentioned as places within the purview of the Act. Every one is now convinced, from the case of Fabrigas,* after all the chicane to avoid the decision, that subjects in Gibraltar, or Minorca, are equally liable to the protection of the common law, against oppressions, as in other parts of his Majesty's dominions. The Mutiny Act declares, as the only authority under which courts martial can be held, "That his Majesty may grant his warrant to the lord lieutenant of Ireland, or other chief governor or governors there, for the time being, or the governor or governors of Minorca, Gibraltar, and any of his Majesty's dominions beyond the seas respectively, or the person or persons there commanding, in chief, his Majesty's forces, from time to time, to appoint courts martial in the kingdom of Ireland, and other places and dominions respectively: in which courts martial, all the offences above mentioned, and all other offences hereinafter specified, shall be tried and proceeded against in such manner, as by this Act shall be hereafter directed." The subsequent part of the Act declares, "That every member, assisting at such trial, before any proceedings can be had thereupon, shall swear, that he will administer justice according to the rules and articles, for the better government of his Majesty's forces, and according to the act of parliament now in force, for the punishment of mu-

* For the proceedings in an action by Mr. Fabrigas, against lieutenant general Mostyn, governor of Minorca, for false imprisonment and banishment, see Howell's State Trials, vol. 20, p. 82.

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tiny and desertion, and other crimes therein mentioned." All these regulations, it is impossible for any Hanoverian officer to comply with. Men who will not carry their ideas on the spot; who will not attend to the precision of criminal proceedings by the English law, which leaves nothing to discretion, find no difficulty in any thing; "Do the best you can," solves every difficulty, and forms every instruction from them. But to men of more accurate discernment, I will ask a few questions. Can any court martial be held in Minorca, or Gibraltar, without warrant from the governor? Can his warrant order any court martial, otherwise than as described by the Mutiny Bill? Can German officers, without knowing our language, swear they will administer justice according to a law they do not understand? In case the sentence is death, who is to approve such sentence, or who is to sign the warrant to execute? If it is alleged, the Hanoverians carry their own military law with them into our dominions, I shall put a case: suppose an Hanoverian punished by Hanoverian law in Minorca, should bring his action for damages against the governor, or in case of punishment by death, an indictment is found, would such a plea, in justification that it was done according to the law of Hanover, be allowed? I maintain that it would not. I assert, the moment any man enters into the dominions of the crown of Britain, he owes a local allegiance, and is liable to the punishments and the protection of the laws of this realm only, and that no foreign potentate hath, or can exercise any jurisdiction, ecclesiastical, civil, or military, within the same. If these positions are true, I demand then, under what law are the Hanoverians to be tried? If they can neither be tried by our martial law, or their own, I ask, in what state of security are those garrisons left, when entrusted to men under no regular martial discipline? All these things prove not only the necessity of the previous consent of parliament, before foreign troops can be introduced into the King's dominions, but the necessity of an act of parliament to accommodate the law to their situation. Some men, from approving the measure, may think this opposition springs from captious motives: I think I have said enough, and quoted respectable authority sufficient to vindicate the movers from such reproach. Numbers in this House, conceiving themselves happy under various lucrative employments and bounties from the crown, do not perceive the progressive steps the prerogative is making. Besides the daily increase of influence by additional places and pensions, when I consider the weight thrown into that preponderating scale by the Royal Marriage Bill; the violent attempt to raise money on the subject by proclamation, in the case of the 4½ per cent. which was at last condemned in the courts of law, notwithstanding every obstruction that could be devised; the great, inordinate and iniquitous power given to the crown by a violation of all the rights of the members of the East India Company; the further breaches in the old form of government, by the unusual powers yielded to his Majesty by the Quebec Act, and Boston Port Bill; I say, when I consider these strides, since the short period of his Majesty's accession; the great increase of our peace establishment in the fleet and army, I cannot help expressing the alarms I feel, that a despotic government is actually intended, that the proceedings in America are only the forerunner of what is preparing for ourselves at home, and that nothing can insure the success of those schemes so effectually, as establishing the principle which is now contended for, that the King may overawe us with foreign troops; if we are not disposed to receive the chains that his ministers are forging for us.

Before I sit down, I beg leave to say a word or two, on the subject of the different addresses to the crown, which have been so often mentioned in this House, and given to the public with such affected parade in the Gazette, even descending to the meanest Scotch burgh, while petitions from the first counties in England have been denied that honour; making the Gazette, which should be a paper of authentic intelligence, a vehicle of false information, more shameless than that of Bruxells during the last war. First, it is asserted, to inflame the nation, that the provincials had exercised great cruelties, and had scalped our soldiers. This I assert to be a notorious falsehood; that one man who was killed was afterwards scalped at Concord, I believe to be true; but the treatment given to the King's troops in general, who were then made prisoners, was humane and generous. Another false fact, asserted in the Gazette, was, that Mr. Sayer had been taken up for high treason. The story of a scheme to seize his Majesty's person, when

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going to the Parliament House, was circulated with the utmost industry; but when the warrant was produced before a judge, not remarkable for leaning to the cause of liberty, it appeared the commitment was for treasonable practices; and the whole story appeared so futile and ridiculons, that this magistrate shewed his utmost contempt of the whole proceeding. Yet these truths never reach the country: men read of the cruelty of the Americans abroad, and the indignant treason of their abettors at home; what good subject, under such belief, would not offer his life and fortune in defence of his Majesty's person? If I could have believed any design against his Majesty, I should have been among the foremost to offer my life in his service. Knowing the whole to be a wicked contrivance of the minister to deceive the King, and delude his people; my indignation turns against the contrivers of such shameful plots. What can be said in vindication of such proceedings? Is the protection of the personal liberty of the subject no part of the business of this House? The president Montesquieu says, that the spirit of liberty sees with the eye of a jealous mother the injury that is done to every individual? What man is safe under such machinations? The ministerial paragraphs in the news-papers, had long teemed with accounts of intercepted letters. At length a contrivance is devised to search the private papers of a suspected individual. Will the advisers of those measures tell us, what they have now found, or formerly possessed? Will they produce some of this intercepted correspondence, that the world may judge between us? Let us see upon what ground bail was denied to this oppressed gentleman? Why he was sent close prisoner to the Tower? Why his counsel was denied admittance? If there are no grounds for such cruel severity, mankind must perceive the motive for propagating such falsities. The tide of addressing may turn; when the people see how grossly they have been imposed on by false accounts, and false intelligence, from every quarter; when they find that all true information has been purposely denied at home and abroad. I say, when the people become sensible of those truths, their vengeance may recoil with redoubled fury. Richard Cromwell, and James the 2nd, had their coffers filled with addresses, three or four months before they were dispossessed of all authority. These should be examples what little reliance can be placed on empty words. The good sense of this country is often deceived at first, but they generally return to the principles of freedom at last. The American contest is complicated in its nature; it demands much information, and a process of reasoning, on the great principles of society, to understand the subject; every art is used to mislead and misrepresent, by men reaping the harvest of our troubles. When the nation shall feel the great loss, and the ruinous expence attending the measures of administration; when America is lost, I am in no doubt, they will investigate the subject, and call those to severe account, who are leading them hoodwinked in this wild career, which cannot be justified on any of those principles of liberty, or sound policy, by which the fame of this country has been renowned among the nations of the earth; by which it has hitherto invigorated every part of its dominions throughout the globe; by which it has raised, and by which alone it can maintain, this mighty empire.

Mr. *Walter Stanhope*, in support of the motion, recapitulated what he called the errors and blunders of administration; and prophesied the worst consequences if the affairs of this country were permitted to remain much longer in the hands of the present ministers.

Lord *Barrington*. Upon this question, I shall, from the attention which I have given the subject, from being in office, endeavour to shew the House wherein I think the present motion is against truth; and that there is nothing illegal in the present case. The Bill of Rights declares, that to introduce foreign troops within the kingdom in time of peace, and without the consent of parliament, is illegal; and that declaration I take to be founded upon the common law of the land; but I think it has, as the Bill expresses it, reference only to the kingdom itself, and not to the dependencies of it, of which our history will give us the clearest proof. Go so far back as the case of Calais; there was a garrison kept in that fortress regularly, without any consent of parliament. Then there were Dunkirk and Tangier, the garrisons of which were kept up without having the least recourse to parliament; nor was it ever dreamt of, that the sovereigns of this country were acting illegally in keeping up such garrisons. As to the expediency of the measure, it is justifiable, because foreign troops are easier to be had,

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and at the same time cheaper than our own troops. I know from the experience of last year's recruiting, that it would have been difficult to have procured new levies in that time. He declared the measure to be legal, and said he should pity and contemn the minister who should ask for a Bill of Indemnity; for his part he wanted none, though he had had a principal share in advising the measure.

Mr. *T. Townshend.* The dangers that might arise from the introduction of foreign troops into the dependencies of the realm, if not illegal, might be very great; for it might easily be in the power of an ill-designing prince to fill all the exterior parts of the dominions with foreign mercenaries, and take opportunities to make them the means of overturning the constitution. No man should forget the natural tendency of standing foreign troops; they cannot esteem your laws; they know not your constitution; they cannot respect it. Recollect the case of the Hanoverian soldier at Maidstone, where the commanding officer told the civil officer, "Release the man, or I have 8,000 men here, and I will beat down your gaol, and take him by force." Sir, that will be the language of commanders of foreign troops. They know not the laws, they cannot respect them. Disputes will arise in quarters, and they must be terminated in this manner. But let us turn our eyes to the other countries of Europe, and see what miserable work the soldiery have made. Sir, they have overturned Europe from its basis. Look at Sweden, where the king, merely by the means of an army, has cut the throat of Swedish liberty, and rules by the sword; and I might here observe, that this administration in England was accessary to the mischief, or at least attempted to prevent a reparation. I have been told on pretty good authority, that when the empress of Russia was about to stir in favour of the old government of Sweden, we interposed, and threatened her with the fleet of England, if she made any such attempt. He was zealous in vindication of the character and reputation of king William the 3rd, whom he called our immortal deliverer, which had been assassinated in print, and the work encouraged, (alluding to sir J. Dalrymple's book.)

Mr. Serjeant *Adair* supported the motion. He first observed on the arguments that had been used on the other side of the question, particularly by lord Barrington. He said, the noble lord had affirmed that there was no statute law which limited the number of forces, or the power of the crown in that respect, before the Revolution; yet he admitted that Charles the 2nd keeping a standing army without consent of parliament, was contrary to law; it must therefore be contrary to the ancient principles of the constitution, which the Serjeant contended, equally applied to the present case.

With regard to the instances mentioned, of keeping troops in Calais, Dunkirk, and Tangier, without authority of parliament, he said, that the ill-consequences of the two latter instances, had already been sufficiently pointed out, and the noble lord himself had, with great candour, given an answer in the very next sentence, by observing that the same king who kept troops in those two garrisons, kept them also in England without consent of parliament, so that no inference could be drawn as to the legality of the one, more than of the other, which the noble lord had admitted to be illegal. As to Calais, it was the last remnant of those extensive territories formerly held in France, by our kings, who claimed also the crown of that kingdom; and no consent of the parliament of England could be necessary to enable the King to keep troops in his French dominions.

He then argued from the principles of the constitution, that the king never had a power to keep up a standing army of mercenary soldiers, in any part of the dominions of the crown of England, in time of peace, without authority of parliament. Nor to introduce foreign troops at any time, without parliamentary consent. The ancient armies of the crown were composed of those who served by virtue of their tenure, for a limited time, and for particular services; which the king was intitled to in common with other inferior lords in right of property and tenure. That from the abolition of those military tenures, the crown had no constitutional military force whatever, any where, except what should be granted by parliament. That the Bill of Rights being declaratory of the ancient laws and constitution, should be construed as extensively as the principles from whence it was derived; and not confined to the mere words of the declaration, which had a reference to the mischief recited in the preamble, but should be applied to all mischiefs that came within the same principles. That it had been held, in another House, by the Lord Chan-

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cellor; that this clause of the Bill of Rights, by the spirit and fair construction of it, applied to all the dominions of the crown. That this construction was confirmed by the Mutiny Act; which after reciting the very words of the Bill of Rights, goes on to say, that it is necessary that a body of forces should be kept up for the safety of the kingdom, and for the defence of the possessions of the crown of Great-Britain, &c. From whence he inferred, that it was the opinion of the legislature, that forces could not be kept up for any of these purposes, without consent of parliament. That it was no answer, to say that, in fact, the number of troops mentioned in that Act, are only those kept up in Great Britain, exclusive of those employed in the garrisons abroad; because estimates were every year laid before parliament, and supplies granted for the express purpose of supporting the troops kept in those garrisons, as well as in Great Britain, and therefore the one had the consent of parliament as well as the other.

He argued further, that the employing foreign officers was unlawful, from the Act of Settlement, by which no person born out of the dominions of Great Britain, though naturalized, could enjoy any office or place of trust civil or military. And that the command of a body of troops at Gibraltar or Minorca, was certainly an office or place of military trust. That this extended not only to the kingdom of Great Britain but to all its dominions, he said, was still further confirmed by the Act of 29 Geo. 2, c. 5, by which the king was enabled to grant military commissions to foreign Protestants in America, which would have been altogether unnecessary, if the king by his own authority could have employed foreigners in any part of his dominions. And he pointed out to the attention of the House, the precautions taken in that Act, by limiting the number of such foreign officers, obliging them to take the oaths, and declaring that the colonel should be a natural born subject; none of which were or could be taken in the present instance of the Hanoverian troops, without the authority of parliament. After enlarging upon these topics, he stated to the House the doubts and difficulties that must arise, by what law those foreign troops should be governed, or their discipline maintained. For notwithstanding all that had been said of their own martial law, he insisted that no man could be put to death in the dominions of this country by any other authority than the Mutiny Act, or the law of the land. He put it to the crown lawyers, to say, by what law disputes arising between the British troops, or inhabitants, and the Hanoverians, were to be decided.

He contended, that the proposition contained in the motion, was not only strictly warranted by the principles of law and the constitution, but that it was highly necessary that the House should come to such a declaration, to avert the danger arising from the precedent; more especially after the approbation expressed in their Address. It had, indeed, been alledged, that the approbation went no further than the gracious motives which had induced his Majesty to the measure in question. That he had always looked upon this distinction as illusory and absurd; but at all events the only way to demonstrate that the approbation went only to the motives and not to the measure itself, was to come to the resolution now proposed.

He concluded with saying, that the experience of all nations evinced the extreme danger of calling in the assistance of foreign troops; and that the Saxons, who had been called into this island to support the British government, had themselves most effectually conquered and overturned it. But of all foreign troops, said he, the most dangerous are those who are the subjects of the king and not of the crown and parliament. Should any future prince of the illustrious house that now sits upon the throne, perfectly unlike his present Majesty, assisted by ministers not very unlike the advisers of this measure; should, I say, such a prince, deluded by such advisers, entertain the mad and nefarious design of overturning the constitution of this country; of destroying that liberty which was the glory and strength of his government, and reducing his kingdom to the same abject state with those of most of his neighbours, what means could be so proper to effectuate so wicked a purpose, as filling all parts of our dominions beyond sea, with foreign mercenaries, and putting our strongest garrisons, and half our empire, into the hands of officers and soldiers, the devoted subjects of the king, but totally independent on the crown or parliament of the kingdom?

Mr. *Hans Stanley* explained that foreign soldiers serving in England were under the laws of England: and in respect of the expediency of the measure relative to the

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want of men, he observed, that we had more men than the king of Prussia, who kept 200,000 men on foot, and as many as the House of Austria; but as our men were employed in arts and manufactures, it was more expedient to take foreign troops into our pay, which had been the uniform practice of the kingdom, from the battle of Newcastle upon Tyne to this day: of which very many instances were to be met with in Rymer and Froisard.

Mr. *Gordon* asserted, that the measure was illegal; that a recruiting serjeant could not enlist a single foreigner, much less could you march five battalions to Gibraltar; but condemned the motion, for being an abstract proposition, without any connected question, it might carry too severe a censure upon an Act, which he was convinced was well meant, and very expedient; he trusted, that its illegality might be established by an alteration in the preamble of the Bill of Indemnity; and therefore moved the previous question.

The *Solicitor General* stated to the House the different periods of time when, and the occasions for which, foreign troops had been introduced into this kingdom without the consent of parliament; observing that there were so many precedents for such a practice, that he wondered any objections should now be so seriously started against it. He embraced a variety of circumstances and arguments against the motion and in favour of the previous question. Having established the legality of the measure, he went to the propriety of it, and took occasion to remark, that if the militia laws were duly enforced, enlarged and extended, there would never more be any occasion for them to debate on questions concerning foreign troops, as such would be totally unnecessary.

Mr. *Burke* observed, that one hon. gentleman was against the motion, because it was not an abstract proposition; another was against it, because it was an abstract proposition. He said, it was not kind of Mr. Gordon to fight opposition with a weapon which he knew they could not make use of. He observed, that the hon. member knew the measure was illegal, yet he would vote in favour of it. Now, said Mr. Burke, if I, or any of the gentlemen on this side of the House, were to argue in this manner, it would cause a horse-laugh in the House. This is not an argument *à fortiori*, but *à majori*: it is the argument of a majority. He said the learned gentleman who spoke last had ransacked history, statutes and journals, and had taken a very large journey, through which he did not wish to follow him, but he was always glad to meet him at his return home. Let us, said he, strip off all this learned foliage from his argument; let us unswathe this Egyptian corpse, and strip it of its salt, gum and mummy, and see what sort of a dry skeleton is underneath—nothing but a single point of law! The gentleman asserts that nothing but a Bill can declare the consent of parliament, not an address, not a resolution of the House; yet he thinks a resolution of the House would in this case be better than a Bill of Indemnity: so that we find a bill is nothing, an address is nothing, a resolution is nothing, nay I fear our liberty is nothing, and that, ere long, our rights, freedom, and spirit, nay the House itself will vanish, in a previous question.

Lord *North* desired to know whence the proofs and authorities of a point of law could be better drawn than from history, statutes, and journals; he did not think it was from wit, or flowers of eloquence, that they should be deduced. He admired the hon. gentleman's method of proving a resolution to be, nothing; an address, nothing; a Bill, nothing; and by the same mode of reasoning he was inclined, he said, to conclude, that a long witty speech was—nothing.

General *Conway* was very sorry to see such learned gentlemen as Mr. Serjeant Adair and the Solicitor General differ so widely on so important a point. He said, that for his part he did not understand the laws to a practical nicety; but his experience in that House had given him so much knowledge of the constitution, that he felt the measure illegal and dangerous. He could not conceive with what propriety a Bill of Indemnity could be proposed for a measure that was legal; the ideas of criminality and indemnity were, he asserted, inseparable. He condemned the conduct of those who advised his Majesty to bring foreigners into this kingdom, without the consent of parliament, but said he would vote for the previous question, because the motion was too general, and passed a censure on a measure, which so far as his Majesty was concerned, he was sure proceeded from the best motives.

Sir *William Lemon* approved of the American measures, but such was his disapprobation of the paragraph in his Ma-

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jesty's Speech, which informed his parliament, that he had sent his Hanoverian troops to garrison Gibraltar and Minorca, that he was compelled to withhold his approbation of measures, which in every other instance he approved.

The previous question being put, that the main question be now put; the House divided. The Noes went forth.

Tellers.

Yeas	Lord John Cavendish - - Sir James Lowther -	81
Noes	Sir George Howard - Mr. Onslow - - - -	203

So it passed in the negative.

Debate in the Commons on a Motion for the Returns of the British Army in America.] November 1. Lord Barrington laid before the House the Army Estimates.

Colonel *Barré* desired to know the number, state, and disposition of the troops in America, according to the last returns.

Lord *Barrington* could not satisfy the hon. gentleman; but before Monday he would consult some papers which would enable him to answer as much of those particulars as was prudent to be disclosed.

Col. *Barré.* What the noble lord has now said is in the true spirit of the administration. Give information they will not; but they will call upon parliament to vote fresh troops, without letting parliament know the least of what they ought to know concerning those which are already employed. I shall therefore move, "That there be laid before the House an account of the last returns of the number of effective men, in the several regiments and corps in his Majesty's service, serving in North America, together with a state of the number of sick and wounded; distinguishing the several places where the said troops are stationed."

Lord *Barrington.* Ever since I have been concerned in the army, I know of no precedent similar to what is now called for. To call during a war, for the return of an army, has indeed been attempted, but was always opposed, as a practice which might prove exceedingly inconvenient. In the present case, I do not know that any evils would flow from it, but if done by a resolution of the House, it will become a most dangerous precedent. As to the information which the gentleman wants, I can give it partly on my legs, in which way it will not be a precedent; and if I am not so correct, from the papers which I have accidentally about me, as might be expected, against to-morrow I will procure those which shall be more accurate.

Colonel *Barré.* Without entering into the matter of precedent, why not give the House an information which can do no harm, and may do much good? In these matters accuracy is to be wished for. As to telling the facts to me, I want not to have a private curiosity gratified: I want not to be paid in private a public debt. The information should be general. The ministers of the crown have admitted that they were deceived—they have deceived parliament; which would not have been the case, had information been laid before us: my motion demands only information, that before we vote more troops we may know something concerning those we have already. Let us know to what extent future estimates are to go, that when we have voted one number, supposing it to be the total, there may not be after demands. The House must proceed in the dark, as we have hitherto done, if we are not informed what the state of the army in Boston is, and what the distribution is to be. The information I have had, which is that of the public, is only that of the troops being besieged; a light-house burnt under the nose of the fleet, and the men sent to repair it carried off by the enemy. Let us know the truth, and we shall then be able to proceed with our eyes open.

Lord *Barrington.* The last return is that of July 19th, which was received here the 25th October. By this it appears that the number of men in Boston, exclusive of three regiments going over to join them, was 8,550, of which 1,482 were sick and wounded, and 354 missing, of which—

Mr. *Welbore Ellis.* I submit it to the noble lord, whether it would not be also for the information of the House, to lay before us these particulars of the rebel army?

Colonel *Barré.* I give the right hon. gentleman credit for what he says; lay before the House the number and strength of the provincial troops, that we may know whether you can fight them, that we may judge of your demands, and know if the troops you ask will be as competent to the service they are to perform as were those of last year. He expressed his surprise

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that government had no returns of the army later than the 19th July.

Mr. *T. Townshend.* On the point of precedent, I can give the noble lord one, fully in point. I moved for the return of the regiments employed in the affair of St. Vincent's, and it was laid before the House.*

Mr. *Fox.* It is evident from what has passed, that the plea of acting contrary to precedent will not avail the noble lord. What therefore is the true reason for the ministers refusing to lay the information called for before the House? Merely, I assert, to keep parliament in ignorance. Was the fair truth to be laid before the House, the demands of ministers would be inconsistent with the facts they produced. This was the case last session, and they have kept back all information, and imposed on the House in order to get the cry of the people before the extent of the evil was known. But they have taken care, to a degree of affectation, to inform you that it is the rights not of the crown but of parliament, for which they are fighting, and yet with an inconsistency worthy only of themselves, they will not allow parliament the least information to know how to fight for those rights which they say are peculiarly its own. This is the conduct, Sir, which has driven from them some of the most manly and respectable characters in the kingdom. They were deceived; they openly tell these men who call themselves ministers, 'You deceived us; you would not let us know the state either of America, or the force you had there to quell the disturbances; acting thus in the dark, we were led into error, but we will not persist in it; we know your intentional deceit, and we leave you.' This, Sir, is also the case of parliament; and the only remedy is for parliament to imitate the conduct of those manly characters, by refusing to vote away the money of their constituents for measures about which they are absolutely in the dark.

Sir *Gilbert Elliot.* Whether or not the precedent be for or against the information, I shall be equally against the motion. It would make a precedent of the most mischievous tendency. What is the return of an army? Why, every particular concerning it given with the utmost accuracy, and perfectly authentic. Can it ever be proper to publish such a statement, while your enemy is in the field? Would it not be giving him intelligence of the most advantageous nature? Could any ministers carry on the business of the public, if any gentleman in this House had a right to call for such an account? It would be impossible. If ministers act badly they should be turned out of their places: but the public service can never be advanced by calling for accounts which destroy your confidence in them.

Mr. *Burke.* So, Sir, it is now laid down as a maxim not only to refuse the information, but to take care that such information shall never be given—and this is to be the case, because parliament, instead of calling for information, should give confidence to ministers. This, Sir, is not only telling us that we must bear our ignorance, but perpetuating it; and making a minister's having forfeited a right to all confidence, the greatest plea for placing the more in him for the future. This is a mode of reasoning I never heard of before. As to the importance of the information now called for, and the danger of producing it, it makes one smile. Can you imagine that this army return of July last, can be conveyed to America and become better intelligence than general Washington has already? I will not have so poor an opinion of his abilities, who could write that excellent letter, we have all read, to general Gage; but suppose him, and the generals Lee and Putnam, to be more assiduous and attentive. These men know much more of your army than your return can give them. They coop it up, besiege it, destroy it, crush it. Your officers are swept off by the rifles, if they show their noses.

Lord *North* wished as ardently as any person to stop the effusion of blood on both sides; but thought it could only be effected by sending over a formidable army early in the spring, and appointing proper persons on the spot to give pardons, as mentioned in the Speech. He was against the motion, as it would ground a precedent for future abuses: the case of the Caribbs was very different from the present: in that the minister was accused of sending too many men to an unwholesome climate; and, besides, there was no great danger of the Caribbs reading our accounts.

Colonel *Barré* observed, that the conduct of the minister in withholding proper information, put him in mind of a king,

* See Vol. 17, p. 568.

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who perceiving one end of a Lutheran church exceedingly ruinous, and all the rest of it very good and elegant, proposed to rebuild that part for them; which he did in a very magnificent manner; but when they came to assemble there, they found that he had taken away all the light; upon which they waited on his majesty, thanked him for his favours, and acquainting him with their misfortune, in not being able to see at church; upon which his majesty replied, it was perfectly right that it should be so; for it was written in the Scriptures, "Blessed are they that believe and do not see."

The House then divided, For the motion 63; against it 170.

Debate in the Commons on the Navy Estimates.] The House resolved itself into a Committee of Supply.

Mr. *Buller* moved, that 28,000 seamen, including 6,665 marines, be voted for the service of the year 1776, at the rate of 4*l.* per month. He spoke of the stations of the fleet; particularly that the one under admiral Shuldham, who was to command in North America, was to consist of 78 sail.

Admiral *Keppel* opposed the motion, as inadequate to a war, and too large for a peace establishment. He said that no vessels could keep the sea upon the coast of North America in the winter season; arraigned the proceedings of the first lord of the Admiralty in his conduct of the navy, which he represented to have been in a much better situation before the present noble lord came to the head of that department, than since.

Captain *Luttrell.* When the Address, which, we are told, pledged us to nothing, passed this House, I did suppose ministry would think it politic to vote navy, army, militia, supplies, and every grant they may want, without giving time for reflection, information, or enquiry; and therefore I am not surprized at the precipitate manner in which the hon. member has brought before us a question of such great national import; but as I suspected it, I was eager to learn from the noble lord opposite to me, when he mentioned the number of land forces proposed to be employed for the present year, what the naval establishment was to consist of? His lordship carefully avoided being thus communicative, though he assured us in too general terms, that the most proper œconomy had been, and would be, observed with respect to the navy. Sir, I do not mean to accuse that noble lord of an inclination to impose upon this House, or the public, because his ignorance of naval affairs will acquit him with me of any such design. But, Sir, let him beware here how he puts implicit faith in the information of a man, who, with little more maritime knowledge, may perhaps have much subtlety, and is wise to rest such assertion as this upon the credit of the noble lord rather than upon his own; for I believe it will puzzle any man in this House to produce more than one instance where this boasted œconomy has been observed, and there profusion would have been excusable, if not commendable—I mean, Sir, when his Majesty went to review his fleet at Portsmouth. But, Sir, it would take me till midnight to enumerate the various instances of bad management, ignorance and extravagance that have followed one another since the noble lord, who now presides at the head of the Admiralty, was appointed to such office; proceeding in part, I am sure, from his not taking the advice of a very able and respectable sea officer, who is a lord of that board, but obstinately following his own naval ideas, and being unable or unwilling to discern, that though a subtle statesman, he is but an ordinary seaman.

Sir, where then is this œconomy to be found? Is it in the summer parade of that noble lord, sailing from one king's port to the other, and wasting every year some hundred pounds of the public money, by the single expenditure of powder, to notify his arrival? By prostituting the honour of the flag, and claiming distinctions, he must know, if he knows any thing of the service, he is no way entitled to, and therefore ought to be ashamed of. Is it by the loss to the public of the artificers' labour, while they are doing homage to this mighty lord? Is it in sending a royal yacht with his son to Lisbon, which will cost the public 1,000*l.* when he might have gone in a packet for 50*l.* Is it in the wise regulations he has made in the navy, which we hear of in the newspapers, and by his dependants, but no where else? Or is it in that careful inspection into the state of the fleet so to prevent abuses, that the best men of war may be sold for 1,000*l.* while the worst appear to have cost 40,000*l.* in repair? And, Sir, as it is the custom to call up the attention of the country gentlemen upon every alarming subject, I will crave

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that indulgence for a minute to mark one instance out of very many where this œconomy is not to be found. [He then entered into the abuses and misapplications that had prevailed in the naval œconomy since 1770. He shewed, that though in the course of five years, upwards of two millions sterling had been granted by parliament for the repairs of the navy, over and above the sums annually for wear and tear, yet the navy debt had increased in the same five years, upwards of 500,000*l.* He proved that the Africa, a ship of 70 guns, had been sold for 900*l.* though she was in better order than two-thirds of the fleet, and could have been made as good as new for 3,000*l.* while there had been demanded of parliament, for the use of the Dragon man of war only, within four years, though she had never been at sea in the time, 32,973*l.* being extra work over and above what she had cost under the articles of wear and tear, and ordinary; and is now laid up in Fareham Creek unfit for service without further repair. He likewise proved, that the noble lord at the head of the board was the cause of the late insurrection of the shipwrights, as he had encouraged them to petition parliament for an increase of wages, in opposition to the application of the captains of the navy for an increase of their half-pay: he himself having told their committee that the shipwrights were a set of more useful men to this nation, and much more entitled to the favour of government. He said that the task-work was the most destructive manner of building and repairing possible, that it must inevitably increase the naval expence, and ruin the fleet of this kingdom.]

Now, Sir, to return to the question immediately before us: my objection arises, as it did last year, from a persuasion of the insufficiency of the number of seamen applied for to man the ships already in commission, and those fitting for foreign service: if 6,665 marines are to be included, 1,200 of which the hon. member allows to make a part of your standing army, and are now serving under the general of your troops in America, how then can the ships in this country be fitted for war, if occasion should require it, without the assistance of these marines, who, with the few volunteers we have, can alone be trusted to man the boats, get the stores on board, guard the ships, and the men we receive from the impress traders. The hon. member has told us, that admiral Shuldam's command is to consist of 78 sail of men of war. In that case it is trifling with parliament to come with such a demand as this, when I am sure it is impossible, by any calculation, to prove them sufficient to man such a fleet as is now in commission, and fitting for foreign service; and if you except out of 28,000 seamen the 1,200 marines under the command of our general at Boston, sea officers, petty officers, and servants, the number of foremast men will not exceed 14,000; therefore these must be ordinary grants; you may judge of the extraordinaries by what you have heard respecting the Dragon, and of which there are many more instances equally alarming.

Sir, though I am totally against a great increase of revenue for the destructive purposes it seems at present intended, it was my best hope that a large share of it would be appropriated towards the support of what is generally acknowledged to be the great strength of this nation; that when the American ports were shut up, and we had lost that trade, we might have secured the seamen out of employ, by fitting out a formidable fleet; not because I think it will prove useful on the coast of America, but as the best security against a foreign power. Sir, talking of America, a right hon. member said, there had been a fault in the navy somewhere. Will the noble lord declare that admiral Graves has ever received positive orders that he did not execute; or have they been, as I have reason to believe them, from the operations of the fleet, so artfully discretional, that if your ships should be wrecked upon that frozen coast, or any misfortune attend them, the blame may be laid on the admiral, and his reputation as an officer be sacrificed to shelter the wicked proceedings of these ministers.—Sir, an hon. member told us, we need not be dispirited with our misfortunes in America, for that our fleets were unsuccessful at the beginning of the late war, but afterwards proved victorious. Sir, this is a position similar to that of the naval œconomy, which I think can hardly be marked in above one instance, I mean the loss of Minorca. Where else did ill-success await our naval arms? Was it in Europe, Asia, South or North America, where from the commencement to the conclusion of the war we were making captures? How then, Sir, was the ill-success that attended this country in any foreign war, to be compared to the sea of trouble we are now

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embarked in, but which I hope to God may calm sooner than I fear the minds of those men will do, who can tell us, in a language that is shocking to hear, they are riveted to coercion against our fellow-subjects in America.

Lord *Hinchinbroke* said, his brother was in such a situation, that the noble lord, his father, had no other means of sending him.

Lord *North* said, the ships built at the end of the war, were of green wood, which not being so durable as the seasoned wood, were very bad, had lately proved very rotten, and that this circumstance had been the cause of the great expence.

Sir *J. G. Griffin* did not get up to oppose the number of seamen, because he thought if any operations were to be continued against the Americans, they ought to be confined to that service only. He then declared that he had hitherto supported government on principles, without regard to men; thinking it is his duty as an honest man so to do, as long as the true interest of the country appeared to be consulted, and the public affairs conducted to the credit or honour of the nation; he denied that to be the case at present, and called on any of the minister's best friends to contradict him; adding, he should ill deserve to sit there any longer, if he continued to afford his support to men, the effects of whose pernicious measures had reduced us to so shameful a situation. He professed himself an advocate for the supreme legislative authority of this country over its colonies; disclaimed however on the one hand vindicating the rash and indiscreet measure of having taxed the Americans, as he did on the other, their mode of resistance. The noble lord (North) had in the last session given it as his firm opinion, that the forces then voted, and the other measures the House had adopted, would put an end to all our unhappy disputes with America, even without a drop of bloodshed; yet notwithstanding we all felt so seriously the grievous effects of these ill-advised measures, the noble lord, with fatal experience against him, was determined to seek our total ruin, by persevering in the same wild and extravagant system; instead of which, he added, a tender of conciliation on terms suited to the true spirit of the British constitution ought to be preferred and held out to the Americans, which, if not successful, we ought to relinquish all connections with them: or otherwise, if practicable, to harass them with your fleets, by interrupting their trade, till at length they might perhaps be brought to sue for protection.

The Resolution was agreed to.

Debate in the Commons on the Bill for Embodying the Militia.] Nov. 2. On the order of the day for the second reading of the Bill for embodying the militia,

Mr. *Hartley* said; Sir, I shall beg leave upon the present occasion to take a scope wide of the immediate business, and offer an observation or two upon the necessity of having some measure of a conciliatory nature to attend those coercive ones which are brought forwards against America with so much haste. I would propose that there should be some test held out, by which the colonies may prove their submission to the legislative power of this country. I think the best would be the recognition of an act of parliament, to be registered in the assembly of such colony willing to submit. And I think the best should be one which exercises a controlling power over the colony; for instance, suppose it was to enact that all the slaves in America should have the trial by jury. The recognition of this and the submission to its operation would yield the requisite proof of duty. When this actual recognition of an act of parliament shall have replaced the legislative authority of this country, without question or diminution, as it was before the commencement of these troubles; then, as an act of merited justice to such colonies as shall have given this proof of their return to their allegiance, let their grievances be redressed; let the operation of all the acts complained of cease, *ipso facto*, in each colony respectively where the required recognition shall have been complied with. This proposition seems to me to be equitable in itself; I hope it will be thought by all parties to be definite, satisfactory, and practicable.

Mr. *Charles Turner*. I am against the present Bill upon every account, as I am against militias in general. The proper men to recruit and supply your troops are the scum and outcast of cities and manufactures; fellows who voluntarily submit to be slaves by an apprenticeship of seven years are the proper persons to be military ones. But to take the honest, sober, industrious fellow from the plough, is doing an essential mischief to the community, and laying a double tax. The mili-

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tia is likewise more expensive than the regulars, and therefore the more improper at present.

Viscount *Mountstuart*. I do not rise to oppose the Bill, because I am clear that the force of a militia is the true constitutional force to be relied on by this or any kingdom; but, Sir, I wish to see no longer a partial militia; I wish to see an end of a line of distinction drawn between countries, which in nature and in land are the same: I wish to see a militia in North Britain. What reason can be assigned against it? The stain of rebellion is wiped out; it is done away for ever, by the loyalty of the people, and the uncommon exertions they made for the crown in the last war. I do not mean now to bring this matter under consideration, but give notice that I shall take an early open day to propose it.

Mr. *Dunning* condemned the Bill. Instead of the ostensible motives held out by it, the militia may be employed in the most alarming and unconstitutional manner. It throws a power into the hands of the king, hitherto unknown to the constitution. He took a retrospective view of measures in general; and introduced some strictures on addresses; particularly that from the first battalion of the militia of the county of Devon. My hon. friend (Mr. Acland) who helped to procure that Address, and presented it, he supposed, consulted the noble lord (North) upon it; and he had good ground to believe the noble lord corrected it. The Address speaks its origin fully; it makes a tender of their services with their swords drawn, not to use them against the common enemy, any of the branches of the House of Bourbon, not even against the Americans, for they could not act against either out of the kingdom, but against his Majesty's internal enemies, that is, such who in this House, or elsewhere, dare to hold a contrary opinion with the framer and author of it. The tendency of the Bill is exceedingly different from the old militia law, and therefore demands an explanation, that the House may know how different the situation of the gentlemen now in the militia will be, from what it is at present. They and the men entered into that engagement with their country, under the express circumstances that they were never to be called out but in time of invasion or rebellion in England, or imminent danger of one or the other. This condition secured them from being at the beckon of a minister, to be called out under pretences of distant or imaginary danger. They knew the nature of the very cause in which they were to draw their swords; but what will be their situation if this Bill passes? It will be in the power of the minister to embody the militia, and put them under the Mutiny Act, if a rebellion is only apprehended in Bengal, in St. Helena, in the most distant and insignificant dependency of the crown. To draw their swords in defence of their king and country, is what they entered expressly and cheerfully to do; but to be made soldiers in spite of themselves, to serve not their country in great and fearful exigences, but to second the apprehensions or evil designs of a minister, is being in a situation so totally different, that no arguments can convince me they will endure it. I am a friend to the old militia, because it can only be drawn out in cases prescribed by the constitution; but I am an enemy to this new scheme, because it in fact annihilates that meritorious militia, and gives you a monster in its stead.

A noble lord has touched upon another militia—a militia to be composed of a set of people of a complexion which has not, it seems, been thought by the legislature to recommend them to possess it: a northern militia! From the manner in which the intimation is given I take it for granted the plan is determined, and that we may consider it as one of the measures which are at present so rapidly combined. And it leads me naturally to the great question of America, to shew how these measures are united in order to be effectual; and I shall the readier undertake it, as next week I shall be otherwise employed.

It is curious to observe what are the auxiliaries which the present administration call to the assistance of the British constitution; Catholics from Canada, if they can be induced to act; Irish Papists; a new militia in England, composed of a description of men exceedingly different from those who composed the old one; a Scotch militia, of a description that I will not name; Hanoverian mercenaries to garrison the two great fortresses of the Mediterranean; and, to crown the whole, 20,000 Russians, to protect the legislative authority of this country. It has been declared in another House, that the Russians are not to be sent to America, therefore they are, we may presume, to be brought here. He wished to know what object we were now contending for with

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America. It was not for taxes, as we might easily perceive, by general Burgoyne's letter to general Lee; for a gentleman of his good sense, and who held so high a post under government, would not venture to assert so much without some authority. It could not be said that we were contending for the general unlimited power of parliament over every part of the empire; for the secretary of a neighbouring kingdom had contradicted that idea, by asserting "that expressions of that kind which had been made in that House by a gentleman high in an office, were no more than the rash inconsiderate opinion of an hasty individual." He wished to be fairly understood with regard to his ideas of rebellion: he never had considered it as a genus which might be divided into several distinct species; yet he was apt to imagine, that there might be one sort of rebellion less deserving our hatred than another; that there might be a provoked and an unprovoked rebellion, of which each merited different degrees of censure. He then proceeded to ridicule the motley complexion of our intended forces, which were to consist of Hanoverians, Russians, savage Canadians, and Irish Roman Catholics. He said, he had heard, that a single regiment could march from one end of North America to the other; but he desired to know, if it was not more probable that 20,000 Russians could march from John o'Grott's house to the Land's-End. On the whole, he declared that he was against this, as well as most of the other measures of government; that he stood alone, unconnected with any party; that he despised any man, who at such a critical juncture, could be swayed by any personal motive whatever; that, for his part, he spoke *ex animo*, and he hoped the House would give him credit for his assertion. He concluded by observing, that although he might not, perhaps, be able to give that close attendance to the business of the House which he could wish, yet he would uniformly oppose the ministry in every step they should take to enforce measures which he heartily condemned.

Sir *George Yonge* informed the House of the manner in which the Devonshire address was obtained, without the knowledge or concurrence of the gentlemen of property in the county.

Mr. *Rigby*. I should not have risen to the present question, had not the learned gentleman brought me into a conspicuous light, from what an Irish secretary is said to have mentioned in another place. I have a great opinion of that gentleman's abilities; and it is plain he has a very good opinion of me, from the way he treats me. Because the Irish secretary says I am a rash and inconsiderate individual, therefore administration says I am so, for such and such sentiments. As to the right of taxing Ireland, I assert it upon the solid authority of an act of parliament; if this parliament has a right to deprive the House of Lords of Ireland of their judicial right, in the dernier resort, it has a right to do every thing else. But the learned gentleman has taken a wider field; he has given us a rueful catalogue of troops, which are to execute the measures, and among the rest 20,000 Russians. This is the first time that I ever heard a syllable of Russians coming here. It is true, I am not of the cabinet; I never was there in my life: but from the connections I have, and from all my information, I know of no such design. But whenever a war has been opened, which demands foreign auxiliaries, various are those that have been hired. The last war saw Wolfenbuttlers, Hessians, Hanoverians, and I know not what, in our service; and there was a Britannic legion, which consisted of all the thieves in Europe: the learned member, if disposed to ridicule, might call them and the Marattas of the East, allies of the king of England. The learned member enters very logically into the distinctions of rebellion, and from attending minutely to them, all I can learn is, that there are two sorts of rebellion; one which the gentleman likes very well, and one which he likes not all. He detests the rebellion of 1745, but likes the present passing well. Now, for my part, although I think there is but one kind of rebellion, I cannot carry my sentiments so far back as the hon. gentleman; for, whenever the Americans shall return to their duty, and behave as loyally as the people of Manchester, I shall not, by any means, consider them as deserving my hatred; but shall readily give up the point of taxation for honourable terms of accommodation with them.

Colonel *Barré* observed, that he had lately heard many gentlemen in administration speak very moderately of American affairs, and he exhorted them to throw some kind of a conciliatory proposition together, as a step towards an accommodation. He requested the friends of ministry not to be so very fond of war,

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as to overlook an easy and honourable peace, which lay so immediately in their way, that they could not but see it, if they would but give themselves the trouble to look for it; and concluded by reminding the House, that Philip lost the now United Provinces by being too tenacious of one single post.

Mr. *Acland*. As I do not intend that some aspersions the learned gentleman has thrown out on me shall go unnoticed, I rise now to give the learned gentleman an opportunity of replying if he chuses it. The learned gentleman began by calling me his hon. friend, and immediately proceeded to give me the most unequivocal proofs of his friendship, by throwing out assertions as detrimental to an independent character, as they were unfounded in fact. The learned gentleman has said, that the address of the first regiment of Devonshire militia, which I had the honour of presenting, was corrected by the noble lord. If I was to give way to the just dictates of my resentment, no expression the English language contained, would be strong enough to mark in its true colours such an unwarranted assertion; but I will content myself with declaring to this House, this full gallery, and the whole world, that it is untrue. The address, which has had the misfortune of drawing down the weight of that gentleman's resentment upon it, and which I, it seems, in an unfortunate hour, presented to his Majesty, if its containing strong sentiments of loyalty to the King, and attachment to the constitution, be a crime, is, I confess, most criminal. But, Sir, sorry am I to find, that expressions of loyalty to the King and attachment to the constitution, should appear so criminal to that learned gentleman. This address, at which the gentleman is so much displeased, expresses, Sir, a just abhorrence of every attempt to alienate the minds of his Majesty's subjects, and a readiness, when properly called on, to endeavour to suppress any internal enemies of the King and constitution. About the time that this and many other western addresses originated in the country, many inflammatory papers, breathing a spirit adverse to all order and tranquillity, had been with an assiduity hitherto unknown, dispersed through the west, amongst others, letters inviting to associate had been sent to many of the principal magistrates and first gentlemen of property; these associations were recommended on the principle that associations of the same nature had been entered into previous to the Revolution. Now, Sir, we unfortunate country gentlemen, who are not blessed with those abilities which teach us to understand black when we read white, did conclude, that if these letters of association so recommended, implied any thing, they implied the necessity of another revolution. Under such circumstances, Sir, in such times, were we not justified? Did we not act the part of good citizens and good subjects, publicly to declare to the whole world our just abhorrence of every attempt to alienate the minds of his Majesty's subjects, and to express our readiness, when properly called on, to exert our utmost endeavours to suppress any internal enemies of the King and this constitution; for, Sir, such inflammatory papers are attempts to alienate the minds of his Majesty's subjects, and those men by whom such papers and such letters were circulated, are enemies to the King and this constitution. I can assure this House, that nineteen out of twenty of the principal resident representatives of the property of the county signed that address. It is perpetually asked, how country gentlemen can again trust an administration that has so often deceived them? For one, Sir, I answer, that they never have deceived me; but if I had been deceived, I had been deceived under the sanction of the gravest and most respectable authorities of this House, under the sanction of that learned gentleman himself, who during the last session, when administration applied to parliament to strengthen the hands of government, compared the disturbances then existing in the province of the Massachuset's Bay to the riots that had often happened at different times in different parts of England, which had been suppressed with a very trifling, if not without any assistance of a military force. Would not therefore that gentleman and his friends have treated it as the wildest of all wild doctrines, if administration had proposed to parliament to send out a force adequate to the conquest of a whole continent,—to do what? Why to suppress a few insignificant riots in the Massachuset's province. I again repeat, I have not been deceived by administration, for I did not think the force competent; but because a competent force was not sent out last year, I do not think it good sense or good argument to oppose the sending out a competent one this year; nor should I think, if at this time I

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withdrew my weak support from administration, I should the next year have a right to accuse administration for the ill success of measures, when I had done every thing in my power by my opposition to prevent their execution.

Mr. *Dunning* apologized for the mistake he had been under, respecting the address from the Devonshire militia.

Mr. *T. Townshend* called on the ministers to know where the Russian troops were to be sent, as it was asserted in the other House not to America; and now, by Mr. Rigby, not to England. He supposed to Ireland. He said that innovations in the militia were dangerous, because every standing oppressive force in Europe, began with a harmless militia. He detested the politics of administration while he compassionated the unhappy Americans, who had been provoked to resistance by the late Acts. In his opinion, the necessity of embodying the militia of any part of the kingdom could only be justified by local causes; that if there was a rebellion in Scotland, or in Wales, he should vote for the embodying of the Scotch or Welch militia, but not otherwise; and that he differed in opinion from an hon. member (Mr. Rigby) who had asserted he knew but of one kind of rebellion. He instanced the rebellion of 1745, when the town of Manchester (who had now sent up an address, flattering the ministry, and abusing the gentlemen in opposition) took an ostensible part against the present family.

Sir *Thomas Egerton* defended the town of Manchester; said he had signed their address, which did not contain any abuse upon the gentlemen in opposition.

Mr. *Burke* observed, that the Manchester Address was not singular in the indecency of its language, but that all the ministerial addresses spoke of those who had endeavoured to prevent the civil war in which this country was unhappily now plunged through the ruinous and destructive measures pursued by administration, in the most scurrilous and illiberal manner: that the gentleman who defended Manchester stood in the same predicament with many others who had signed what they never read, and therefore were astonished when they afterwards heard the language of the addresses; language, he said, which disgraced the name of Britons; in which the good nature of Englishmen and the manners of gentlemen were totally forgotten; and which, though procured by courtiers, contained nothing characteristic of them but the most ignoble servility, and the most unmerciful encouragement of barbarous, blood-thirsty measures. There were two other addresses which called loudly for the censure of that House; the address from the first battalion of the Devonshire militia, and the address from the University of Oxford. These he termed the addresses military and ecclesiastic; addresses from persons who, at all times, and on all occasions, were debarred constitutionally from meddling with the politics of the country. He descanted largely on the first, shewing the impropriety of the militia, or any armed body, soliciting to be employed against their fellow subjects. With regard to the latter, he almost charged lord North with having not only seen it before it was presented to the King, but with having altered the composition of it; and if the noble lord avowed the propriety of the University of Oxford (a body of learned and religious men) interfering with politics, advising a civil war, and calling those that opposed it rebels and traitors, the freedom of this country was dead, her liberty was no more. He painted in strong colours the situation of the heads of an University, who he declared ought by no means to instil political principles into the minds of those who were not sufficiently matured, who knew too little of the world to be able to judge of their propriety, and to distinguish between sound policy and destructive expedients. Every man, he observed, must feel the violent error of such conduct; he had himself a son at the University, and he could not approve of that son's being told by grave men that his father was an abettor of rebels. He concluded with declaring, that the noble lord ought not only to have abstained from taking part in the formation of that address, but that he ought to have rejected it when it was sent to him, and prevented it from being presented.

Sir *W. Bagot* related the origin of the Stafford address; he had seen the address from London to the electors of Great Britain, and as he was not willing that the county should be seduced by it, he supported at the sessions an address, containing very different sentiments, only one person, whom the House well knew (Mr. Wooldridge) objecting to it.

Captain *Luttrell*. When the last votes in favour of the Address passed this

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House, I thought we might take leave of every ray of hope, that peace and good fellowship would again subsist between our colonies and this country; I, however, felt this consolation, that I had discharged my duty agreeably to my conscience, and the best of my abilities; and as I could not prevent, I had only to lament the future progress of this unnatural war. But, Sir, in consequence of what fell from the noble lord, I hold it incumbent on me to offer to the House such intelligence as I have received from America, that I may not be comprehended among the number of those gentlemen the noble lord supposes to be inclined to conceal from him, or the public, what they have reason to believe is the true and general sentiments of the Americans.

Sir, a noble lord has communicated to us the private information he has received from a general officer at Boston: a right hon. member in my eye acknowledged the receipt of a letter from an ever memorable colonel, the substance of which amounted to little more than this, that he lamented they had been mistaken in their ideas of the provincial army. Sir, my information comes not from a military man, but from a friend of mine, whose family remains in this country, and who went to America for the recovery of his health. Sir, he is of a nation that will hardly be suspected of taking part in this rebellion; he is a man of good sense, sound judgment, quick discernment, some philosophy, and much candour; he is known to many members, having been a candidate for a seat in parliament. I value his information, because I believe it authentic; and that I may not be supposed to state it partially, I will, with leave of the House, read them. [Here captain Luttrell read a letter from New York, dated the beginning of September, which affirms, "That the people there aim not at independence, but are generally determined to die, rather than to submit to the arbitrary claim of taxation, though they are informed the French, their natural enemies, have offered assistance against them."]

Now, Sir, if the information conveyed to America be true, France is the foreign power that has offered us assistance. What, Sir, is likely to be the state of your army then? 30,000 British troops, perhaps one half that number French, some thousands of your Canadian subjects and Irish Roman Catholic marines. Then, Sir, when America is conquered, and the flower of your army cut off, your new allies will be prepared to dispute the conquest with you. Is there a man, Sir, in this House, that doubts but every Roman Catholic of either army, or in that country, of any name, description, or situation, will not be ready again to assert the right of France to the colonies of America, in opposition to the Protestant army; or that they will not be supported by the northern Indians, who are bigots to the Roman Catholic religion, and immediately under the influence of the Popish priests and jesuits which abound in that country. Still, Sir, I am at a loss to tell, whether I should prefer an alliance with France or Russia. It is time we should look to the enterprizing genius rising in that empire; to a people eager in the pursuit of fresh possessions, in climes less inhospitable than those they now inhabit, already become (thanks to Great Britain for it) the first maritime power in the north, the third great maritime power in the world, extending her manufactures and commerce.

I fear the balance of trade is already against us; but it must inevitably be so soon; and then you will send your specie to Russia, to purchase the vast quantity of hemp, turpentine, tar, and other naval stores, necessary to supply the present great naval establishments. Sir, should Russia insist upon sending these naval stores to your arsenals in America in her own bottoms, dare you refuse it? What may be matter of necessity now, was ignorance, or something worse, ten years ago. One noble lord tells us, we cannot raise an army of Britons sufficient to subdue the present rebellion in America; but must call in the aid of foreign troops, which we must purchase with our wealth, in like manner with any other commodity. Some gentlemen of great abilities and equal authority, hold the direct contrary doctrines, calling up to our recollection the numerous army of British troops supplied in the late war. From some of these benches we learn, that great part of America is still in our possession; from others, that we have not a foot of it. One minute it is asserted, the Americans are still ready to submit; the next, that they unite the men with their measures, and execrate both. Some say they contend only for taxation; others for independence; with a variety of different accounts, as to the numbers, situation, and opposition of the provincial army. And the most mate-

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rial question of the whole still remains undecided, whether England is, or is not, desirous of pursuing coercive measures against the Americans? Sir, his Majesty can certainly do no wrong; but are his ministers therefore above reprehension? And if the King has been deceived by their misrepresentations, is it not more dutiful and loyal, humbly to point them out, than to let the people ascribe a share of blame to him, while they take shelter under the sacred name of majesty. The King wishes for peace and reconciliation with America, and I believe the noble lord opposite, and a part of his associates, do so too, as well as the generality of the people of England; and that these blood-thirsty measures can only be pleasing to such slaves to a part of government, who the very last year told us, they shuddered at the plan of operations, and would not support them, because they thought them cruel; yet now they can adopt them, because they are ten times more so; and to a set of unprincipled, arbitrary, and avaricious men, who I wish to God were transferred to a government like New Zealand (where they devour their fellow-creatures) from that of a civilized nation.

Mr. *Fox* observed, it had been well said that the addresses would cause ill blood here; but he would add something more; they would cause much ill blood in America. The address from the Devonshire militia he reprobated as one of the most unconstitutional acts that ever had fallen within his knowledge. After which he declared he did not think so meanly of the understandings of the present ministry, as to suppose they would leave this country without an army of some kind. He approved of a militia as a succedaneum to an army, but by the present Bill they were evidently to serve as a part of the army itself. He then entered into a definition of the original meaning and intention of the English militia, and laid it down as a doctrine, that formerly a militia-man was merely armed and disciplined, that he might, when danger was at his door and pressed upon him, defend himself. He said he should certainly be against the introduction of foreign troops, and he was also against a standing army; that the purpose of the present Bill was to create a standing army, and to increase the power of the crown; that he saw no difference between a standing army of regulars, and a standing army of militia, whom the King could call out when he pleased; for that in this country, and every other extensive dominion, there would always, in some part or other, be a riot, which the minister might call a rebellion. There might be a disturbance among the negroes in Jamaica, in Bengal, or any other distant place, which might serve as a pretext for embodying the militia. That many gentlemen would frequently be embarrassed who served in it, by being put upon disagreeable duty; and that at present, if he was a militia officer, he would resign. He concluded with declaring, that administration were taking advantage of the present situation of affairs, to put the people under martial law, and to add that law to the prerogative. That all the late American Acts tended to increase the power of the crown, and to demolish the rights of the people; and that as the present Bill evidently would do so, he should oppose it.

Lord *North* observed, that although there were so many different opinions held, and objections thrown out in the present debate, it was impossible for him to reply to all of them, yet he thought it incumbent on him to speak to two matters which had been urged by the gentlemen in opposition: one was, the charge made against him respecting the Oxford address; and the other, the idea which had been alleged to prevail with administration of introducing foreign troops into this kingdom: with regard to the latter, he declared there was no such idea entertained, and he appealed to the Bill before the House as a confirmation of what he said; for it was obvious, if ministry had such an intention they never would have introduced the Bill, but moved for the introduction of foreign troops, on the plea of the insufficiency of the present Militia Act. He declared he was himself averse to the employment of foreign troops, but where a great constitutional point was to be carried, and which could not be carried without them, he saw no objection to their being made use of. He thought they might be applied to as a resource, though it would be impolitic to use them in the first instance; that as we had more money than men, it was a natural and a justifiable resource in cases of necessity; but that at present administration meant to leave the defence of this country to the gentlemen of it, which was surely the measure most likely to prove agreeable to every Englishman; and that so far was he from wishing to embarrass any gentlemen in the militia, that he had

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no objection to the insertion of a clause, giving them power to resign if they disliked the service. His lordship treated what had fallen from Mr. Fox, respecting the dangerous use that might be made, at any future period, of the power granted by this Act, as a chimera, never likely to be realized; observing upon the hazard a minister would run in making a riot in the Indies, or a disturbance in any distant quarter of the King's dominions, a pretext for calling out the militia of England; and adding, that if any minister should be so hardy, he sincerely hoped he would be impeached at the bar of the House of Lords. With regard to the Oxford address, his lordship declared, that it came to him as a part of the university, as one of the firm of it; in fact, it was sent as a compliment to their chancellor; that he did not alter the language; that he both then and now thought it contained such sentiments as were proper to come from the university; that it did not encourage the plunging this country into a civil war; that it only expressed a disgust at rebellion, and teemed with professions of loyalty which were an honour to those from whom it came; and that therefore he did not prevent it from being presented: but he solemnly protested that he saw no other address in its way to the throne, and he defied gentlemen, after the most exact enquiry, to prove that administration interfered in procuring any.

The question being put, That the Bill be read a second time; the House divided. The Noes went forth.

Tellers.

Yeas	Lord Stanley - - Mr. Charles Townshend	259
Noes	Sir George Yonge - Captain Johnstone -	50

So it was resolved in the affirmative.

November 15. The House went into a committee on the said Bill; in which it was moved, to amend the preamble with these words, "that the said power should not extend beyond the continuance of the present rebellion."

Mr. *Sawbridge* contended, that this Bill would throw an additional weight into the hands of the crown, already become too powerful, which might and probably would be productive of very dangerous consequences.

Lord *John Cavendish* said, if the friends of administration opposed the amendment, it would convince him that his suspicions were well-founded, which were, that the present Bill was no more than a mere colourable pretext for arming the crown with power hitherto unknown to the constitution.

Sir *George Savile* said the very point meant to be covertly carried by this Bill, was what no king of England, even the most despotic, was ever able to gain; that on this was grounded the leading contest between Charles 1 and his parliament, long before that assembly was charged with any views of faction, or of overthrowing the constitution. Hitherto, he said, no man in this country could be armed without the consent of parliament; the army were armed by parliament; so were the militia: but if this Bill should pass, the military might be armed by the king, without the consent of parliament. Many things might be urged on the ground that the militia were the great constitutional force of the kingdom; that nothing of course can be feared from them, for they will act in a double capacity, of defenders of their country and its constitution. The argument was plausible, and therefore the better calculated to deceive; but he begged leave to draw a very different conclusion. There were always two parties in this country; no matter as to their principles: the prince would have it in his power, by this Bill, to put the militia under the command of which of those he thought fit, and to call them out into actual service when he pleased; for as to the condition of a rebellion being within the dominions of the crown of Great Britain, he looked upon that as nothing; as means might be easily devised to furnish a pretence sufficient to justify the embodying the militia. What, then, may be the consequence, but that an ambitious or weak prince, supported or urged by a revengeful persecuting faction, may create a civil war in some distant part of the empire, in order at length to give them an opportunity of exterminating or triumphing over their adversaries at home, and destroying the liberties of their country.

Mr. *Herbert* said, the liberties of no free country could be preserved, on the supposition that the people were in a state like that described by the hon. gentleman; that the parliament must pay the militia, consequently the ministry would be cautious to assemble them without a just cause; and while the present constitution continued, it would be absurd to guard

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against parliament, in whom we must continue to repose a confidence.

Mr. Serjeant *Adair* entered into several legal definitions of treason and rebellion. He adverted to a law passed in the reign of Edward 1, in order to shew the true ancient ground on which the militia of this kingdom rested; and so traced the subject down to the present times. He insisted that if the friends of the Bill meant what they asserted, they would be amply content to have a temporary one. When they said the Bill meant no more than it expressed, why did they not define and specify the sort of rebellion, the extent of it, and its locality? No; any thing the governing powers thought proper to call rebellion, would soon be deemed so. He instanced the various cases, or acts of violence, which in law are deemed levying war, such as levelling inclosures, pulling down meeting-houses, bawdy-houses, &c. He mentioned particularly the cases of the Oxford-rioters, and the pulling down bawdy-houses in the reign of Charles 2, and Burgess's meeting-house, in the reign of queen Anne, when some persons were tried and condemned for high-treason, for being concerned in that riot.* He observed finally, that the British empire extended to the four quarters of the globe; that if any illegal or riotous act, of the nature now alluded to, should happen, no matter whether at Patna, Senegambia, or Boston, the minister might construe it into rebellion, and call out the militia.

Sir *Grey Cooper* contended, that the minister could not call out the militia, without assigning his reasons for so doing, and submitting them to parliament for their approbation, whenever they met, if not sitting at the time.

Mr. *T. Townshend* did not much approve of the Bill, but would give his assent to its passing, because if it should not pass, Germans would certainly be brought over; yet he hoped the Bill would be properly limited. He never knew or read of a standing army which did not originate in a militia. Several free governments had been overturned by a militia; particularly one near home. It was well known that Louis 11 of France overturned, and completely destroyed the liberties of his country by a militia.

Mr. *Dempster* was for the Bill. He observed that the right hon. gentleman who said that all the free governments of Europe had been destroyed by a militia, was mistaken, for history would furnish many more instances in which they had been overthrown by standing armies; and hoped that a militia would be established in the north part, as well as the south part of the island, for the defence of the nation in general.

The Amendment was rejected, by a majority of 140 to 55.

November 22. The Bill being read a third time, sir G. Savile offered a rider, to limit its duration to seven years; which was agreed to.

Mr. *Fox* attacked the Bill, the framers, the advisers, and in short, every single object which it held out, particularly as it would be the means of increasing and extending the prerogative of the crown. In the course of his speech he mentioned the address from the first battalion of the Devonshire militia. He supposed, they wanted to alienate the king from the people, to imbrue their hands in the blood of their fellow-subjects: such men, he thought, ought not to be trusted with arms. The Attorney General might be ordered to prosecute the persons complained of in the address, and if wanted, they might come in to assist the law; that was their station.

Mr. *Acland*, who presented the address, said, he thought the hon. gentleman pointed at him. He was no adventurer or place-hunter; he was a gentleman of independent fortune, who voted purely in conformity with his sentiments, without any sinister views whatever. Men of property who had much at stake, who could have no interest but the public interest, were surely the fittest persons to be trusted with arms, not those of reduced fortunes, &c. [Interrupted by Mr. Burke.]

Mr. *Fox* replied, that he had a qualification which was sufficient, and that it was the first time he ever heard any man take liberties in that House on account of his fortune, whether real or ideal; standing as he did, he supposed he had as good a right to speak as any man in that House, and would not be interrupted. [Here the House interposed, and the altercation went no further.]

Lord *North* said, the militia being a constitutional body, might with great propriety, as a military body, at any time, address the throne upon the state of public affairs, to express their loyal dispositions to his Majesty, and promise any exertions in support of the crown.

* See Howell's State Trials, vol. 6, p. 879, and vol. 15, p. 521.

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Mr. *Burke* said, he was glad the noble lord had spoke out, because he had now, by this declaration, given a clear insight into his system and principles of administration. If this were constitutional and justifiable, there was an end of the liberties of this country; and, however nominally we were free, we were from this instant, in fact, subject to military government; for if the crown can at any time draw forth the suffrages and support of the militia (all officers appointed by the crown) it had all the disadvantages of a standing army, and more danger attending it from the prepossessions in favour of a militia, and that unguarded confidence which their fellow-citizens placed in them preferable to the army. He had hitherto been a friend to the militia; but from this time he must look upon them with a jealous eye; and he thought it as safe for the guards to address the King in a body, as any provincial corps of the militia.

Mr. *Moysey* opposed the Bill, as an unnecessary extension of the prerogative. He stated the law, as it stood independent of the proposed alteration, and argued that every reasonable purpose of a militia establishment being merely local, was already amply provided for by the laws in being.

The question being put, that the Bill do pass, the House divided. The Yeas went forth.

Tellers.

YEAS	Lord Stanley Lord Folkestone	162
NOES	General Keppel Mr. Byng	26

So it was resolved in the affirmative.

Debate in the Commons on Mr. Luttrell's Motion to treat with the Americans.] November 17. Mr. *Temple Luttrell* rose and said:

Sir; at this time, in the heat of a most unnatural civil war, I hold it incumbent upon every member of parliament, inconsiderable as he may be in his private character, not only to speak out with firmness and decision, but to exert his utmost endeavour, to restore peace and commercial prosperity to the mother country and her colonies. The wisest writers on politics lay down for a rule, that those governments are the most perfect which are oftenest brought back to their first principles. Now, Sir, the history and perfection of the government of the British empire, will elucidate the truth of such maxim; for there is not any other country on the face of the globe, in which the government has so often been brought back to its first principle; and that not by kings with their parliaments, but by extra formal assemblies of the people, in a convention or congress, which conveyed a purer and more positive sense of the community at large, than the estates of the land, assembled according to ordinary forms, could possibly do; and, Sir, in every contest, during the last 800 years, between the people and their trustees for executive power, the former have come off with victory; fully establishing this plain proposition, that all partial institutions of policy, must, when the national welfare is in question, be lost in the more extensive laws of reason and of nature; with whatever levity or sallies of wit such plea may lately have been treated by some gentlemen within these walls. The happiness of mankind first dictated the necessity and ends of government, as the intermediate power between the individual and the people. All government was created by the people, who by their original compact, reserved to themselves a paramount right, to which they might revert in cases of public danger; to supply essential defects, to reform abuses, and to take the most effectual measures for the lasting peace and safeguard of society. The subjects of the British empire, in an especial manner, claim liberty and property, according to their ancient laws and customs, not as a charter, gift or indulgence, but as an inherent right never to be alienated, and at no time transferred to their monarch or proxy in parliament.

I shall not trouble the House with a research into the nature and efficacy of the British constitution; but there are some facts requisite to sustain the arguments in favour of the motion I am going to make, which I must beg leave to call up to your recollection. The popular form of government of the Saxons, it is well known, was in very remote times transplanted into this island from Germany; their national conventions were continual, and according to the lunar periods. After the accession of Alfred the Great, they were regulated by the festivals of the Christian calendar. The lower we descend in history, the less regular we find these assemblies. Property increased. The body of freemen became more diffuse and numerous. What was every man's business seemed of trifling

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interest to the individual, and many concurring causes rendered their meetings little frequented, till at length they seldom concerned themselves with this duty, unless some edict or precept, issued by the immediate executive branch of government, should demand their judgment and suffrages, to provide for the support of the state. But, Sir, the policy of courts gradually encroached, and at length brought the modelling of these assemblies to depend, in fact, upon the royal will and pleasure; hence arose corruptions and intolerable grievances to the people; but whenever the disease reached its full paroxism, they wisely esteemed the public good as the supreme object of all civilized governments; and when sober counsels, reiterated admonitions, and processes of subordinate judicature had failed, they, by virtue of that original power, which I insist had at no time departed from them, did appeal to the transcendant, primeval law of conscience and common sense; and when the acts of ministers, begun in oppression, led on to a general calamity, they considered disobedience to be the duty of every good citizen, and cheerfully bore the burthen and sufferings of a civil war, rather than become slaves themselves, and entail beggary and bondage on their posterity.

I shall now illustrate this doctrine, which I take to be the fundamental basis of our genuine whig doctrine, by some striking passages selected from your annals; first, observing that of thirty-three sovereigns of England, since William the Conqueror, thirteen only have ascended the throne by divine hereditary right; the rest owe their royalty to the zeal and vigour of the people in the maintenance of constitutional freedom. The will of the people of England, superseding an hereditary claim to succession, at the commencement of the twelfth century, placed Henry the 1st on the throne of this kingdom, with condition that he would abrogate the vigorous laws made since the Norman invasion, restore the government as in the days of Edward the Confessor, and abolish all unjust and arbitrary taxes. King Stephen obtained the crown, and Henry the 2nd kept it, on the same express terms; yet, Sir, in the days of king John, it was judged expedient no longer to trust to mere oral declarations, which state chicane and sophistry had of late years occasionally explained away, but to compel that prince solemnly to register an affirmance of the ancient rights of the people in a formal charter; and this necessary work was accomplished by the congress at Runemede, in the year 1215: an assembly which ought never to be spoken of by the representatives of the Commons of England but with profound veneration.

An hon. and learned member over the way mentioned, a few evenings ago, the introduction of foreign troops into this island in the reign of Henry the 3rd, as a precedent to warrant the present stretch of regal prerogative in the case of the Hanoverian mercenaries: as that member is not now in the House, I shall be more concise in treating of the events he alluded to, than I otherwise intended. Sir, in the reign of Henry the 3rd, about the year 1233, the barons, clergy, and freeholders, refused two distinct summonses to parliament; and understanding that the king as earl of Poictou, had landed some of his continental troops in the western ports of England, with a design to strengthen a most odious and arbitrary set of ministers, they assembled in a convention or congress, from whence they dispatched deputies to king Henry, declaring that if he did not immediately send back those Poictouvians, and remove from his person and counsels evil advisers, they would place on the throne a prince who should better observe the laws of the land. Sir, the king not only hearkened to that congress, but shortly after complied with every article of their demands, and publicly notified his reformation. Now, Sir, what are we to call that assembly which dethroned Edward the 2nd, when the archbishop of Canterbury preached a sermon on this text, "The voice of the people is the voice of God." And when a learned judge, in the character of procurator for the mass of the freemen, surrendered the homage and fealty of the people of England, alleging that the original compact, through which they were bound to allegiance, was dissolved, by the use and aggrandisement of ill counsellors; by the administration of government, which agreed not with the ancient laws of the land, and by a total disregard to the advice and supplications of his majesty's faithful but afflicted subjects. Richard the 2nd, like the unhappy Edward, fell a victim to despotic obstinacy and favoritism; and to this king, in the same manner, was surrendered by commissioners (or proctors) the allegiance of his subjects, and a prince of the House of Lancaster (founder of our

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present most gracious sovereign's royal line) was invited over from banishment, and elected by the people to the throne. But, Sir, before I dismiss this reign, it may be proper to observe that Richard entirely subverted the constitution of the upper House of Parliament, for he made it an appendage to the crown, introducing peers by creation, in prejudice to the territorial baronies; and with respect to the other House, he sent orders to the sheriffs of the several counties throughout England, to return only such representatives to parliament as should on every occasion implicitly obey the royal mandate. Nay, Sir, both Houses conjointly went at last so far as to commit their whole parliamentary power into the hands of a cabinet junto of ministers, having, however, first obtained the Pope's leave for so doing. I wish gentlemen who contend for supreme sovereignty in the crown and parliament, denying any rights of the people in pre-eminence to their joint authority, would apply such argument to the state of King, Lords, and Commons, at that æra. I shall next proceed to the general convention or congress, which in 1461 enthroned the earl of March in Westminster-hall, by the name of Edward 4; the primate of all England collecting the suffrages of the people; and at that period even the Lancastrian historians date the commencement of his reign.

But to come to modern occurrences: in 1659 a convention or congress restored legal monarchy in the person of king Charles the 2nd, who was then no farther distant from this island than the town of Breda, and being pressed by many of the royal partisans to issue his writs for a lawful parliament; he made answer, that he would rather be indebted for his restoration to the uninfluenced sense of the people of England, taken in a free assembly.

On the 26th of December, 1688, was held a Convention or Congress at St. James's, where the prince of Orange presided; and there were present most of the surviving members who had served in any one of the parliaments of king Charles the 2nd, the lord mayor of London, the aldermen, and about fifty of the common-council, &c. and on the 22d of January, following, by virtue of notices issued on the aforesaid 26th of December at St. James's, the memorable Convention-parliament assembled in this House, and perfected the glorious work of the Revolution.

I mean, Sir, from these examples and arguments, to deduce for an incontrovertible truth, that all the subjects of the British empire have a right to be governed according to the spirit of our ancient constitution, by which no freeman could be taxed without his consent, either in person or by his substitute; and notwithstanding the infringement of this right under some of our Norman kings and their successors, yet we find William the Conqueror himself confirming it, in his code of laws, the year before his decease. And the same explicit declaration in its favour from our English Justinian, king Edward the 1st, in the charter of the 25th and statutes of the 34th of his reign, admitted to be among the earliest authentic records of parliament extant, according to the present mode of summons.

I have, I think, shewn that our kings in former days have not scrupled to treat with a congress; that many of the best of them owe their crowns to such national meetings; and that this nation has, on the one hand, been saved from despotism, and, on the other, from anarchy, by a convention or congress; which surely possesses some advantages over a parliament; for being free from ministerial management, having neither placemen, pensioners, nor dependent retainers on their list, they are more likely to hear the sincere dictates of conscience, and the unpolluted sense of those they represent. But, Sir, however inadmissible the voice of a congress might be deemed as acts of legislation, yet I conceive that their plea in the character of advocates for the constituent body by whom they are commissioned, ought in justice, as well as sound policy, to be listened to. A punctilious delicacy now in fashion, which we stile the dignity of the crown and parliament, will, if madly persisted in, cost at least half the blood and substance of Great-Britain. The most haughty and powerful monarch of his time, Lewis the 14th, when there was a formidable commotion in the Cevennes, condescended to depute two marshals of France to enter into a treaty with the malcontents; peace was accordingly made, and the terms of it were afterwards faithfully fulfilled.

Look, Sir, into the history of the proudest as well as most renowned people that ever existed, the Romans; observe the conclusion of their Social War, and you will see they were not above negociating a peace with those very insurgents whom

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they had before, individually by name, proscribed as rebels. Rome found herself at that day reduced to the same critical predicament which, I apprehend, we now stand in; there was no other possible means of restoring concord, or saving the commonwealth from ruin: but, Sir, above all, I would wish the House to give, on this occasion, due weight to a conclusive remark of the excellent author of the Commentaries on the laws of England, where he is descanting on the Revolution of 1688, which placed the scepter in the hands of king William, and eventually brought in the illustrious House of Hanover to be guardians of the Protestant religion, and assertors of the ancient constitutional rights of all the subjects throughout the British monarchy. "No practical systems of law," says he, "are so perfect as to point out before hand those eccentric remedies which national emergency will dictate and will justify."

I now, Sir, beg leave to offer to the House the following motion: "That a Committee be appointed to draw up an Address to his Majesty, humbly requesting that he will authorize the Commissioners nominated to act in America, (for the gracious purposes expressed in his Majesty's Speech from the throne) to receive proposals for reconciliation from any general Convention, Congress, or other collective body, that shall be found most perfectly to convey the sentiments of one or more of the several continental colonies, suspending all enquiry into the legal or illegal forms under which such colony or colonies may be disposed to treat; as the most effectual means to prevent the effusion of blood, and to reconcile the honour and permanent interest of Great-Britain with the requisitions of his Majesty's American subjects."

Colonel *Charles Wolseley* seconded the motion. He said, he had served some years on the coast of America, and had at this time the best intelligence possible from that part of the world, and was sure a peace could never be effected but through the means of a general congress.

Mr. *Rice* said, that not having been in the House while the hon. gentleman spoke in support of his motion, he should not reply to his speech; but only observe, that no man in the House could be more desirous of peace with America than himself; but he would not treat with the congress, because it would be admitting that to be a legal assembly, which must, of course, determine the question at once in favour of America. If that meeting was legal, all our conduct was injustice.

Mr. *J. Johnstone* was for the motion, as the only means of treating with America.

Sir *George Yonge* was also for the motion.

Sir *George Suttie* called upon ministers to inform the House whether they had any plan, and what they intended to do.

No answer was given: and the motion passed in the negative.

Debate in the Commons on the Army Estimates.] Nov. 8. The House being in a Committee of Supply,

Lord *Barrington* stated the Army Estimates for 1776. He said that the whole of the force intended to be raised and maintained was 55,000 men, the ordinary expence of which would be 1,300,000*l.* and a fraction; that the expence of last year was something above 1,000,000*l.* consequently that the increase would be 300,000*l.* He then enumerated the different services, and shewed that except the force intended to serve in America and Great Britain, the troops stationed elsewhere, would be nearly the same. In the latter there were at present seven battalions, and ten returning from Minorca, Gibraltar, and America, which would make 17 in the whole, four of which would return with officers only; of these four the 18th and 59th regiments, which had suffered most, would be two. He next informed the Committee that Gibraltar and Minorca would be garrisoned by five battalions of Hanoverians, consisting of 475 men each, and four of English; the two serving at Gibraltar to consist of 477 men each, the usual establishment; and the two at Minorca of 677 men each; so that by this increase of men, which was effected chiefly by the invalids which were sent from hence, another battalion could be spared from Minorca. He observed, that in the West Indies there would be one battalion less; for instead of five there would be but four battalions, which was meant to be composed of his Majesty's royal American regiment, to be commanded by general Prevost. The force to be employed for guards, garrisons, and invalids within Great Britain would be 20,000 men, and those in America, including the force in the West Indies, Gibraltar, Minorca, and the coast of Africa, 34,000, and that the

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actual force in America alone would be 34 battalions, at 811 men to a battalion, including two regiments of light horse, one sent some time since from Ireland, and Burgoyne's, intended for that service, which would in the whole amount to upwards of 25,000 men. This was the army intended to carry on the operations in America, part of which was borrowed from Ireland, and must accordingly be paid by Great Britain. This was the general outline of his arrangements on paper, but he was sorry to say it was but on paper, for none of the corps but those in Gibraltar and Minorca were completed to their full complement, particularly those in, or going to America, besides the four regiments returning from that country to Great Britain; which were to return with officers only. That this was a matter, in the present situation of things, much to be lamented, yet nothing was left untried in order to remedy it, hitherto to very little purpose, for the recruiting service proceeded but slowly; that attempts were made to enlist Irish Catholics, which is what he would not have advised, had it not been for the extreme necessity, though he did not look upon the measure to be contrary to law. Foreigners were tried as single men, to be incorporated in British regiments, neither did that answer; the bounty was raised and the standard lowered, still the men could not be obtained. Such being the true state of the case, he would take the liberty to obviate a popular objection that would probably be made to the present plan of hostile operations against America upon this very ground, that recruits could not be had, because the service they were to be employed in was odious to the people in general. But his lordship insisted that was not the true cause, for it might be traced, and found in several concurrent causes; nor could there be a stronger instance on which to found his reasonings than that at the time of the armaments by sea and land, relative to Falkland's island, the same difficulty of obtaining recruits was felt, and no person would say, that a war designed to be carried on against France and Spain is not a popular war. Those causes were in the first place to be attributed to the great influx of real or nominal wealth of late years; to the consequent and natural luxury of the times; to the increased employment this furnished to the lower orders of the people; to the very flourishing state of our manufactures and commerce; but above all to the true and natural cause, a want of men. This want of men he imputed to the following reason: at the breaking out of the late war our military force every where did not exceed, (including those in the East Indies) above 40,000 men; whereas our last peace establishment consisted of 31,000 paid by Great Britain, 15,000 by Ireland, 10,000 in the East Indies, 4,000 marines, which in former times were never a permanent corps, and 27,000 militia, which last description of men were as much cut off from the recruiting service, as if they had been actually enlisted: summing up, then, those respective numbers, they formed the monstrous amount of 89,000 or about an increase of 49,000, most of whom, on an emergency like the present, could have been called into actual service. He said, he understood that the idea of taxing America was entirely given up; that being the case, the next consideration, nay, indeed the only one, was how to secure the constitutional dependency of that country. This, in his opinion, was not to be effected without Great Britain declaring a resolution to maintain her constitutional rights, and putting herself in a situation to enforce them, should America continue to resist or refuse obedience to her just rights. This, though he did not pretend to speak from authority, was the general plan adopted by administration, first to arm, and then send out commissioners; and he said, that he had heard that a very great military officer, high in the esteem of his sovereign and the nation, and who was perfectly well acquainted with America, was the person intended to be sent out as first commissioner. In the course of the detail, his lordship observed, that of the last five regiments which left Ireland, two of them had been driven by stress of weather into Milford Haven, but as soon as the transports were refitted, they would proceed with those troops to the place of their destination. The noble lord concluded by moving his Resolutions.

Colonel *Barré* made some remarks on the noble lord's estimate, and particularly on some of his reasonings and deductions. He observed, that his lordship stated the establishment of the English battalions at Gibraltar, at 477 men; those at Minorca, at 677; the Hanoverians serving at both places, at 475 men each; and those in America, at 811 men: why not at 677 at Gibraltar and Minorca both? Why not

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the Hanoverians at the same number? And why not those in America at 850 men, which was the usual number during the late war, with the same number of officers? He objected against the additional companies proposed by the noble lord, and insisted in the present state of the army, they were so much additional expence, without the least use. He said, he should not range the wide field the noble lord had travelled over; but to whatever motives he attributed the present disturbances in America, he was satisfied, that the great source was the ruinous consequences of patronage. Several great interests were to be gratified, and a heavy peace establishment was formed to get rid of the army at home; it was sent to America, where it was not wanted, the weight of maintaining it was soon felt, and that shortly gave birth to the absurd idea of making America pay for it. This, he insisted, was the genuine fountain from which the disputes originally flowed, and would ever continue to flow, till the cause was removed. He observed, that the account was fallacious, as the estimate now on the table would amount to full two millions; one third of which, he ventured to contend, might be saved, if the battalions were made complete; that is, if in proportion there were a fewer number of officers, and more men. He next turned to the ordnance and levy money, the former of whi h, he said, exceeded some of the years of the late war, in which our arms were triumphant in every quarter of the globe. He lamented the little information to be obtained from that board; for several of the greatest ministers and ablest men in this country, to his knowledge, had made the attempt, but in vain, every thing in that department being in darkness and obscurity. The expence of the ordnance service for this year was above 470,000*l.* and no man could tell to what the account might be swelled. On the whole, he contended, that the estimates were much short of the real expence, and insisted that nothing but the most urgent necessity, and the fullest information to justify that necessity, could warrant the representatives of the people to load themselves and their constituents with such heavy burthens.

Mr. *Powys* said he had hitherto voted with the minister on American affairs in general, particularly for the militia and augmentation of the navy; but that when he did so, he understood, that before all the supplies were voted, the minister would lay before the House his plan. If he had not thought so he would not have given his support to measures of which he was not to be acquainted. But, now, not seeing in the noble lord any disposition to give the information he desired, he supposed it was meant to vote the estimates first and hear the reasons afterwards, that is, that the House should begin with a division and end with a debate. He therefore moved that the chairman do now leave the chair. This motion was seconded by

Sir *Robert Smyth*, not as a motion hostile to administration, nor in any ways tending to retard those military preparations which he deemed so necessary to be made at this crisis; but as a motion proper to produce that pause to our proceedings until due information shall be brought before us. When he mentions information he did not mean a few scraps of mutilated papers, but that verbal official information which he thought it the minister's duty to impart to parliament. Perhaps the noble lord would say, that this was one of those arcana of state which properly belonged to the cabinet, and which it would be imprudent to impart to a numerous popular assembly: he allowed the objection to have some weight if the dispute lay between sovereign powers of equal authority, where the complicated interests of other states might be in some measure involved, but where the question lay between fellow subjects equally interested in terminating it, he did not see the necessity of so much mystery and secrecy: it might be highly improper in him to ask, as well as impolitic in them to discover, the detail of their plan, but he only wanted to know whether they had any plan at all. With respect to commissioners intended to be sent to America, he thought, that not only the persons, but the nature and extent of the commission, should be made known, that parliament might judge whether they were men proper to be intrusted with so important a negociation, and whether the terms they carried out were consistent with the dignity of Great Britain to offer, and the interest of the Americans to receive: he had heard certain governors mentioned, but could not help thinking them very improper men; he did not mean to cast any reflections upon a governor, a very worthy member of this House, who, from his thorough knowledge of American affairs, was very well qualified for such an important trust; but governors, as such, were obnoxious men to the Americans;

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he did not mean in an extensive sense arising from their attachment and partiality to a popular government; but, that for many years past, there had been continual struggles between the governors and the assemblies, which had been hastily called, and as abruptly dissolved; and the people ever considered governors, from the nature of their appointment, more interested in asserting the prerogatives of the crown, than in maintaining the liberties of the people; besides, they were fully persuaded, that most of their misfortunes have arisen from the misrepresentations of governors on this side the water.

Lord *North* did not give a direct answer, though he admitted the propriety of the gentleman's reasonings who spoke last. He said a commission would be sent according to the intimation given at the opening of the session from the throne; that the gentleman need not be uneasy that any treaty of concession would be agreed to without the approbation of parliament; but it would be necessary to know upon what ground the Americans would treat before the powers sufficient to ratify what the commissioners might think expedient, were derived from parliament. When the terms that America was willing to submit to were in a state proper to be laid before the House, that, in his opinion, would be the proper time to take the sense of parliament on previous communications, and leave it to judge of the alternative, whether the offers of America could be accepted with honour, or whether Britain ought to reduce them to a state of obedience, however hazardous the undertaking.

Mr. *T. Townshend* said, the noble mover had given him a strong lesson against great establishments, when he said, that the keeping up 89,000 men in peace had crippled us. But there was a great difference between the present division of the empire and a war with its natural enemies; those enemies are quiet, but ready to attack us on a sudden whenever they see an opportunity.

Mr. *William Innes*. Sir, the present state of our American affairs flows from natural causes. The prosperity of a people depends on a form of government suited to their situations and circumstances; that which was calculated for the infant state of our colonies, is evidently defective now that they are grown great and populous. In every civilized nation, whether monarchy or republic, you will not find the subjects governed merely by the love and affection which they bear to their rulers. A well regulated government maintains its authority by a proper force, to restrain and correct the bad humours of discontented individuals. Is it possible in the nature of things, that amongst a numerous race of people, all of them can be sober and sensible? In every large society, there is a restless and turbulent set of men, fond of power, and envious of those in rank and station above them. Have you hitherto kept a force sufficient to maintain the authority of this country, over even a few individuals in North America? No, Sir, you have not. You laid on the Stamp Act, without power to enforce it: you were so weak as to repeal it, without giving time to try what effect it might have in the ordinary course of things; owing to your own unsteady and factious pursuits at home.

What has been the real cause of discontent in America? It has arisen chiefly from a thirst after independency, and from the great encouragement which the colonists found on this side the water. A seditious spirit soon spreads its contagion; and, in the present case, has grown to an enormous height. Is this to be wondered at, when you consider, that both here and in America, there are to be found men of abandoned principles, ready to engage in any outrage? The more sensible, who are disposed to peace, will not interfere in proper time, thinking it the business of government, under whose protection they live, to defend them from insult. You are told, with confidence, that the North Americans are all of them united. It is not true. I have letters, on the veracity of which I can depend, informing me of the contrary. Ask the gentlemen lately come from North America, they will tell you they have been forced away, because they would not join in the general riot and disturbance.

On the great question of the natural rights of mankind, and the right of taxation, I beg leave to make a few observations. When the first settlers went out, they were content to go under certain restrictions and regulations. What were those regulations? Were not the colonists confined within certain bounds, and subjected to certain terms by charter grants? Were they not then satisfied and happy to accept the terms granted them, and to be under the protection of the mother-country? Did the first settlers in the colonies, to whom the charters were granted, pre-

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sume to say to the mother-country, we will abide by your laws and regulations so long as we shall think fit, but no longer? Have not the colonists all along enjoyed every encouragement and support which the first settlers could possibly have expected? Was it not then understood, that they were to be subject to the laws of this country? Will any man say, that either the original, or any of the late emigrants, ever went out with any other views than those of interest? Did the original settlers presume to talk about representatives in parliament, and of a refusal to be taxed without their own consent? Is it because the colonies have arrived to a flourishing condition, under the wing of the parent state, that they have a right to rebel? It has been asserted, that the colonists are the offspring of Englishmen, and as such entitled to the privileges of Britons. Sir, I am bold to deny it, for it is well known that they not only consist of English, Scots, and Irish, but also of French, Dutch, Germans innumerable, Indians, Africans, and a multitude of felons from this country. Is it possible to tell which are the most turbulent amongst such a mixture of people? To which of them is England to give up her original right over an estate belonging to herself?

The grand claim of the Americans is liberty; but it appears to me absurd to say, that a people who import slaves, and are despotic over them, nay, many of whom draw their sustenance from the very bosom of slavery, have a right to the freedom which the inhabitants of this country enjoy. The North American spirit and practice in this respect, have surely nothing in them similar to what prevails in Great Britain. Would it not then be a strange piece of policy, if not a subversion of all order in the mother-country, to countenance this dangerous spirit, which evidently aims at independency, and might speedily degenerate into tyranny, over their present constitutional superiors? What claim can those persons have to an increase of liberty, who do not grant it to their neighbours? or, if their claim were to be admitted, in what manner is such liberty to be dispensed? Partially, or impartially? Is the grandchild to be free, and the grandfather to remain a slave? Is the brother to enjoy liberty, and the sister to be excluded from it? If our forefathers have been so negligent as not to give stability to the authority of this country over her colonies, it is high time that we should do it.

Sir, the method hitherto pursed to quell the rebellion in North America has proved ineffectual, because it was mild and gentle. We are not however to despair; more vigorous and better planned measures will have a different effect. Your troops received a severe check on the 19th of April; what else could be expected? The provincials were provoked at being represented as cowards; they were determined to convince you of the contrary; they fought, indeed, but how did they fight? They attacked your troops from windows of houses and from behind walls, at a time the soldiers were fatigued with a long march; neither has the lamentable affair of Bunker's Hill, on the 17th of June, any thing surprising in it: the provincials were strongly entrenched on an eminence, a situation which inspired courage, in confidence of safety; yet our troops fought and conquered under the greatest disadvantages. Boston is a place badly situated for defence, surrounded by hills, and liable to be attacked in various ways; it is therefore entirely improper to keep an army at a place so circumstanced, and for this reason your troops ought to be removed from thence. The people of Massachuset's Bay appear to be obstinate and enthusiastic to the last degree; they ought therefore to be treated like madmen whom it were folly to contend with; I would on this consideration advise to shut them up with frigates and sloops of war, and leave them. You are losing, to all appearance, a complete year by your army being kept at Boston: the enemies of administration exult, and reproach you with the ignominious situation of British soldiers, cooped up in a state of inaction. But let not this discourage us; if it were not for the real loss of so many brave men who have unhappily fallen, every other consideration is immaterial; you are not however, without some advantage; time, which brings all things to an issue, seems to be working favourably for you.

I presume, with all deference, to offer my poor opinion; it is, that the army should be sent to one of the southern colonies, to make one strong post. If there is to be more fighting, let the provincials make the attack, if they please. I take it for granted you are to have an army of 20 or 25,000 men in North America next spring; although I mean they should be entrenched and act on the defensive, yet they may act offensively as opportunity offers. Your army posted in a secure si-

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tuation, will give loyal subjects encouragement to declare themselves; they only want protection. I think there can be little doubt, that the force intended is sufficient to subdue the colonies to the southward of Delawar river, and that sloops of war may easily obstruct the passage of an army from the northern provinces, should an attempt be made to cross that extensive river to join the insurgents on the other side.

Your success against one half of North America will pave the way to the conquest of the whole, and it is more than probable you may find men to recruit your army in America; money will engage them to enlist. Such of those deluded people as are determined to continue in rebellion, may be allowed to carry on their military designs and operations in the interior parts of the country, as long as they can keep together; they ought not to be followed; let your army still maintain one firm post. In time the rebels will be tired out; they will be perplexed if you do not follow them; their guilt, folly, and expence, must breed intestine dissensions; the common men must soon be convinced of the fraud of being paid in paper currency; the foolish and wicked resolves of the congress with regard to non-importation and non-exportation, will soon recoil on themselves and prove their destruction. The congress, by their ridiculous and presumptuous scheme of a bar to all trade with Britain and her islands, have exposed themselves to contempt, and, by this time, must be feeling the ruinous effects of it. They vainly imagined, that all the merchants and manufacturers of Britain would have taken the alarm, and, through fear of the loss of trade, have yielded to their views; but the good sense of the people of this country has shewn them and the world, that they are not to be deceived by such artifice. Another of the ingenious devices of the North Americans, was, to lay in a stock of goods, which they thought sufficient to clothe them for an extraordinary time; but by authentic advices, they are already in great want of all sorts of necessaries. I hope the friends of the colonies will not be so bold as to assert, that they are such a supernatural race, as to live without clothes, any more than they can exist without meat, drink, and sleep.

After your army has fortified one strong place, detachments may be sent to other sea-port towns to erect forts under the cover of ships of war; it will soon appear how far settlements may be extended in the southern provinces. If your sloops are vigilant, it is next to an impossibility that cargoes of goods can be smuggled into North America to any extent, even in the three winter months, which are only severe to the northward; trading vessels can scarcely escape sloops of war, properly stationed on the coast, and within the great rivers. In this situation the colonists will be driven to the last extremity for want of clothes and other necessary articles, particularly those of the woollen kind. It is scarce possible they can subsist with any degree of comfort without British and Irish goods; if they are supplied with the manufactures of this country by any indirect means, yet the pretext of the decline of trade may be kept up by designing men, although in fact it be flourishing.

I have read the petitions and addresses from some of the manufacturing towns, giving a dreadful representation of their fears and apprehensions of a total decay of trade, "should that be interrupted which we derive from a friendly intercourse with North America, and by which alone our rank in Europe can be supported." In these petitions they artfully insinuate, that the present flourishing state of commerce throughout the kingdom, is owing to accidental and temporary causes, such as "the peace of Poland, the Spanish flota," &c. Sir, these petitions are calculated merely for the purpose of imposing on weak minds; this country furnishes many articles of commerce, from natural growth, and by the dexterity of our artists, which no other part of the globe can produce; it is impossible, therefore, that we can be deprived of our usual share of trade with every part of the world; North America in particular cannot be supplied with several of her commodities, except from Great Britain. If a survey were taken of the state of the manufactures over all Europe, it will not be found, that one nation with another possesses above one year's superfluous stock of goods, any more than an extraordinary quantity of provisions; on the supposition therefore that the American trade should be diverted into a foreign channel, the nation which supplies them, must of course be itself speedily exhausted, and forced to apply to Britain for a recruit.

Sir, I declare myself averse to any further concession towards the colonies, than

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what was offered by the conciliatory plan, namely, "that the colonies should furnish an adequate sum, to be raised amongst themselves towards the general expence." The defence of North America has cost this nation many millions; and it is but equitable now, that the colonists should contribute to an alleviation of that burden. Administration, in my opinion, betrayed the dignity of this country in making even that proposition, and after what has since happened, the rebels are unworthy of such mild treatment. From whom ought proposals of accommodation to come? Have they not been the aggressors? Have they not grossly insulted the constitutional authority of this empire? The North Americans in general, indeed, are objects of compassion, rather than of resentment; they have been led on, and insensibly made the tools of factious and discontented men in this and their own country. It is more than probable the Stamp Act would have been submitted to, had not the opposition to it been countenanced here.

As affairs are now situated, some new and uncommon expedients ought to be devised, to rectify them. One of our great objects at present should be to succour our innocent and peaceable subjects in this their time of distress; for this reason, I cannot altogether approve of all the Acts passed for the punishment of the delinquents, because they involve the innocent with the guilty; the former, as well as the latter, are in great want of all sorts of clothes. It being unsafe for merchants to send out goods, it is submitted, whether it would not be good policy in government to give orders for, and export, a quantity of such commodities as our loyal American subjects are known to want most, and particularly clothing for women and children; this would be an act of great benevolence, as well as sound policy. Such goods might be under the care of supercargoes, protected by the army; they would be ready to supply our friends, and also such of the disaffected as might be disposed to submit; this, under good management, would prove beneficial to the public: nor would it require a very large sum for this purpose; the goods might be bartered for flour, and other provisions for the army. Merchants would, after some time, be induced to send cargoes to the places where the army was securely posted, which would relieve government of that trouble. Sugars, rum, molasses, and even tea, articles all of them much wanted, would find purchasers, and be very acceptable, they would be the means of procuring bread, flour, Indian corn, staves, shingles, &c. for the West India islands; the sloops of war would protect trading vessels to different towns and creeks on the rivers; detachments of soldiers might be sent to assist the landing of goods; trade would thus be at least in the choice of foes as well as friends, and their necessitous situation would constrain them cheerfully to embrace it; for who can suppose that the naked would refuse to be clothed, or the miserable to be relieved? And thus the olive branch would be held out to them in one hand, while the sword is kept in the other: let them make their option; if they are determined to remain obstinate, we have only to continue firm; and I trust the contest will be decided without much further bloodshed.

As to the West-India islands, your effecting the conquest of even only two or three of the principal towns on the continent, would, in a great measure, furnish them with necessaries; this should be done with all the dispatch possible. With regard to our manufactures at home, if the proposed exportation should take place, they would be kept in employment, and thereby much uneasiness prevented; it is surely of the last consequence, that the distresses of the industrious part of the nation should be alleviated to the utmost, and their affections to government preserved. How is this to be effected, if no goods are to be sent to America? The manufactures ought, nevertheless, to be purchased at the risk of the public, and the goods laid up in store till a demand for them should offer. This is a common cause, and should be supported at the general expence.

Sir, I must beg leave also to mention the situation of another class of men suffering great hardship; I mean the merchants and traders to North America, whose fortunes are locked up whilst the present disputes subsist; not owing to the want of inclination in their principal correspondents abroad to remit, but in the present general confusion, which obstructs the administration of justice, a stagnation of payments follows of course. It is impossible for the merchant, under these circumstances, to discharge his debts to the shopkeeper and mechanic, and this brings on a general distress. To remedy

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this evil, a committee of merchants, not in the American trade, might be appointed to examine into the difficulties which the North American merchants labour under. What they want is money, or a credit for it, to answer their present exigencies; and, I presume, they would be well satisfied with a sum equivalent to one half of what they are disappointed in. To effect this valuable purpose, I am persuaded, a less sum than one million would be sufficient. Government, for this end, might issue bills under the sanction of parliament, bearing 4 per cent. interest, to be lent to such merchants as may be found intitled to this aid, under the stipulation of their paying the interest on the bills so lent, half yearly, to the possessor of them. It being further understood, that the borrower shall, besides his own security, find two sufficient bondsmen to be answerable, by indorsing the bills, for the repayment of the loan at the end of two years after peace is re-established with America, or with the particular colony where any individual's effects may be detained. Still further, in order to give full satisfaction, both to the holders of said bills and to the public, they must be so qualified as to return on the merchant and his two securities, and be no longer passable after the two years are elapsed, from the time public notice has been given that peace is restored, and courts of law open for the recovery of debts. In this, or some such mode, a very necessary piece of business might be transacted, without much, if any loss, to the public; and, indeed, no loss can happen, unless not only the merchant, but likewise both his bondsmen, should become insolvent. This is no new thing in the commercial world, for within these few years, the empress of Russia, at a time of general distress, ordered a considerable sum of money to be lent to the merchants in her dominions, which prevented the ruin of several of them.

The manufacturers and traders, who are afraid of the loss of their business, are much mistaken if they think it is to be preserved by a repeal of the Acts complained of, or by a submission to the Americans; to rely on their affection to this country would indeed be to build on a sandy foundation. It is notorious to every merchant in the American trade, that the most northern of the colonies have long been in the practice of smuggling every article of goods they could from Holland and Germany; and all the colonies, without exception, have discovered great partiality to the French islands, in preference to the British. If you give up your authority over the colonies, it is losing the substance for the sake of the shadow; it is sacrificing a lasting trade for a momentary, ill-judged tranquillity.

You have been told, with apparent gravity, that "peace is in your power; that you have only to embrace her to possess her;" but consider what kind of peace is meant, and from whose mouths the voice of peace proceeds. Does it come from the lips of bosom friends? Does it flow from those you have reason to believe sincere? Is it not rather the language of mockers, revilers, and deceivers, of men who wish your destruction? Peace is recommended by some right hon. gentlemen who tell you the Declaratory Act (an Act passed while they themselves were in office) means nothing. That Act certainly meant something at the time it was made; the intention of it must at least have been a deception on this country, to palliate the disgrace of repealing the Stamp Act. Those advocates for a paltry and inglorious peace, seem to depend too much on their rhetorical abilities; they wantonly sport with the constitution of this great nation, merely with the view to overturn the present ministry, under the pretence of rescuing their country from imminent danger. Supposing those mighty patriots were to prevail in the present struggle for power, and to have settled with the Americans upon their own terms, these honourable gentlemen, when in office, may again change their language, and tell the provincials, as they have told you, that they meant nothing. Let the Americans trust them, if they will; but as you have been already deceived by their dissimulation, it would be the height of folly in this country to put confidence in such men a second time.

You are upbraided with insolence, cruelty, and bloodshed. Ridiculous, false, unjust! Did not the rebels first begin the attack on the King's troops in both the engagements? Admitting the Tea Act was wrong, does that justify the audacious steps their lawless mobs took, to shew their resentment against it? Can any act of government, even a mistaken zeal for the authority of this country over her colonists, justify the raising of armies, the concerting and conducting every other device of war, to resist the legislature of this country? Have they not exercised

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such cruelties over our loyal subjects as our most inveterate enemies would shudder at? Will you not resent such inhuman acts committed on your defenceless friends and subjects, who have been (men, women, and children) driven from their peaceful habitations? Did not the congress first, by their resolves, endeavour to starve your West-India islands, and also to deprive your industrious manufacturers of employment? Have they not, by every art, endeavoured to throw this kingdom into the utmost consternation and confusion? Can you bear such repeated insults? Can you, after so many and deliberate indignities offered you, treat with them, but as with revolted, rebellious subjects, who ought thankfully to submit to such conditions as you may think proper to give them? I hope, and trust, the ministry will continue firm, and that after ages shall not be able to say, that in the days of George the 3rd, America was lost to England. Let us be steady in pursuing the interests of this country, but at the same time merciful and forgiving. It is more than probable that the ringleaders in this mischief are but few in number; if they can be laid hold of, they deserve no mercy; convince the lower class of those infatuated people, that the imaginary liberty they are so eagerly pursuing, is not by any means to be compared to that which the constitution of this happy country already permits them to enjoy. Patience and perseverance in this great work are absolutely necessary, the time does not yet seem to have arrived for the Americans to acknowledge their error. The natural course of things will do more for you than great armies. Where is the necessity of haste? It is even better to risk a war also with your real enemies, than to end the present contest in a dishonourable, pitiful and disgraceful way. Some things require great dispatch, others mature deliberation; the more time you take to settle these controversies, you will obtain the better terms: negociations for peace resemble transactions in trade; he who is the most eager to buy or sell, usually makes the worst bargain.

This country, when united, which it certainly must be in cases of necessity, where the well-being of the nation is at stake, is always able to defend herself against the whole world; consequently powerful enough to reduce her revolted colonies to obedience. Let the colonists know, that the longer they resist, the heavier burden they will incur, as in justice they must be made to defray the expences of subduing the present rebellion. They have given you the opportunity, and now is the time, to insist on terms, safe and honourable for this country; inform them, in plain language, that you are determined to erect forts, and in future to keep up a sufficient force amongst them to maintain peace. Your naval power is great; your resources for military men, while you have riches, are immense; but above all, your cause is just: be not afraid, Heaven will support you.

General *Conway* said, that if administration meant any thing, they should have prosecuted the operations by sea. He condemned the whole of the arrangements proposed. He was certain that no force they could, with their utmost exertions, raise or maintain, would be adequate to the task: it was not only his own opinion, but that of several general officers, men of rank and eminence in their profession; nay, it was the opinion of one of the first general officers in Europe, whose name, if insisted on, he was ready to mention. But supposing the force to be adequate, suppose you could carry every thing according to your own expectations, what would it amount to? Do you think the other powers of Europe will sit silent and inactive at such a season? Do you think, though they should not take an open part, they will not encourage and spirit up these people? That they will not give that kind of assistance which America wants, and they can best spare? It is true, Holland has prohibited any communication with the British colonies. Has France or Spain issued any such public order? Or if they did, ought it to be depended on? I am sure it ought not. I have the strongest reason to believe, by information from persons well acquainted with the matter, that none of them are to be relied on; and I have heard, from no mean authority, that at least one of the former powers has given, and will continue to give them every secret aid, till they no longer shall have an interest in concealing their real sentiments. For my part, I disapprove of the whole proceedings from the beginning to the end; the principles, the measures, the system, all claim my strongest disapprobation; I am therefore determined to set my face openly against them. The noble lord (North) tells you, that the Americans aim at independence. I defy the noble lord, or any other mem-

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ber of this House, to adduce one solid proof of this charge. He says, the æra of 1763 is the time they wish to recur to, because such a concession on our part would be, in effect, giving up their dependence on this country. I deny the conclusion too. I would ask the noble lord, did the people of America set up this claim of independence previous to 1763? No, they were then peaceable and dutiful subjects: they are still dutiful and obedient.—[Here a murmur of disapprobation.] I repeat my words; I think them so inclined; I am certain they would be so, if they were permitted. The acts they have committed arise from no want of either; they have been forced into them. Taxes have been attempted to be levied on them; their charters have been violated, nay taken away; administration have attempted to coerce them by the most cruel and oppressive laws. What will men not attempt in such a situation? What will not freemen feel under such a complication of misery and distress? How does any man in this House think men should act, when overwhelmed with a train of calamities? How ought freemen and Englishmen to act under such circumstances? I will not say that the assertion may be strictly legal, but I am sure it is founded in the fundamental principles of this constitution, and the natural rights of mankind, to affirm they are fully justified in their resistance; and, I hope, that that principle is deeply engraven in the heart of every Englishman. I would ask, is there one of you that would tamely or basely submit to such a manifest injustice? I say it is injustice in the most aggravated sense, to take money from people against their consent, nay their express disapprobation, without a single information relative to their abilities or means of payment. The noble lord says, the contest is not now about taxation, but whether the people of America are to form a dependent part of this empire or not. But I beg leave to say that the dispute this moment existing, is about taxation; for but once give up the claim, and every single step you have taken throughout this business has been no less mad and ridiculous, than violent and unjust. You sought a revenue, to which you had not a single fair pretension, because they fully contributed to the proportion of the public burdens, by acquiescing in the monopoly of their trade. In fine, though measures of coercion were constitutional, were equitable, I am perfectly satisfied they are totally impracticable. I am sure there is not a gentleman of the profession, however sanguine, will rise and tell the House, that he believes the force to be voted this day by any means proportioned to the extent of the necessary operations, though the regiments were effective and every way complete. If this be, then, the case, it is plain some other plan is in contemplation. Let, then, the noble lord in the blue ribbon rise and give us some information. I do not desire the detail, let us have the general outline, to be able to judge of the probability of its success. It is indecent not to lay before the House some plan, or the outlines of a plan. What does the noble lord mean? How does he intend to act? If his plan is conciliation, let us see it, that we may form some opinion upon it; if it be hostility and coercion, I do repeat, that we have no cause for a minute's consideration, for I can with confidence pronounce, that the present military armament will never succeed.

Mr. *Jenkinson* contended, that several of the Acts desired by the Americans to be repealed, did not directly relate to the present contest. He said, he was afraid that all attempts to conciliate would be fruitless. A noble lord (Chatham) in the other House, had formed a plan of conciliation; another originated in that House; but what was the reception they met with? They were both treated with every possible mark of disrespect and contempt; nay, so determined were the Continental Congress to reject any pacific overture, that they refused so much as to receive the latter as a basis for treaty or negociation. He said, if there was the least prospect of success, it would be the accompanying our terms of conciliation with a considerable force. There were several terms to be made before conciliation could be obtained. He could mention many, but at present would only mention one; that security should be given to all those who had adhered to the government of this country over America; and had, in consequence, been driven from America. Terms of force were the measures chalked out by his Majesty, in his Speech from the throne; a formidable armament, conditions of conciliation, and gracious offers of forgiveness and protection. On this foundation the present vote was proposed: if, therefore, premature explanations were desired; if the gentle-

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men, who pledged themselves to support those measures, had altered their minds in one event, or had withdrawn their confidence from the King's servants, he saw no possible way to remedy matters but by a change of administration; observing, that at this very time, after going such lengths, how cowardly it would be to decline the contest almost at the very outset.

Lord *John Cavendish* said this was treating parliament with every possible degree of disrespect. Measures are concerted in the cabinet; the King is made by his ministers to express his general intentions; the House of Commons is desired to support those measures by voting an enormous war establishment; and when questions are asked and explanations desired, even by the friends of administration, the gentlemen who call for a plan are very laconically referred to the King's speech. The speech holds out generals, and refers you to particulars; when these particulars are called for, the speech is quoted, as the true standard of information. He trusted that Englishmen would never submit to slavery, much less to the tyranny of their own countrymen: and it was the peculiar business of all those in this country, who valued their own liberties, to defend those of their brethren in America; for they might depend, that the same system of government that was attempted there, would at length make its way hither, and the liberties of America and Great Britain be buried in one grave. His lordship observed, that we armed at the time of the affair of Falkland's Island, and put the nation to an enormous expence to no purpose, a peace having been secretly concluded.

Lord *Frederick Campbell* said, peace was not concluded; but that vigorous and seasonable armaments produced peace, as he hoped that we were proceeding to vote, would do on the present occasion.

Lord *John Cavendish*, insisted he was right, though the fact might have been seemingly as the noble lord stated it; for the point in issue was, the disavowal of the court of Spain, which preceded the increased naval and military estimates; and the only matter which remained to be adjusted at the time the House voted the money, was barely the punctilio, who should disarm first. The House was therefore deceived. He remembered a prodigious naval establishment was voted in the year alluded to; we suddenly disarmed, and yet the demands on parliament, the succeeding session, and ever since, were as high as if no such armament, accompanied by the circumstances now mentioned, had been ever voted.

Mr. *Dempster* complimented general Conway, both in his civil and military capacity. He replied to an observation of Mr. Jenkinson relative to the general's contending, that the Americans were justifiable in resisting the execution of an act he had himself, in his ministerial character, brought into that House. He contended, there was no manner of inconsistency in the general's conduct; for when the Bill asserted, that Great Britain was sovereign, and had right to make laws for the colonies in all cases whatsoever, the true construction of that law, the intention of those who framed and supported it was, that the parliament of Great Britain had a right to bind the colonies constitutionally, not arbitrarily; they had a right to secure their dependency on the mother-country, not to tax them unrepresented, nor condemn them unheard; they had a right to rule them like Englishmen, not to oppress them like slaves.

Governor *Johnstone* was not surprised administration were unwilling to give information; for he believed they had none. A remarkable proof of it, he said, was, that Mr. Penn had not, since his arrival from the very city where the congress had twice assembled and deliberated, been asked a single question; not even when he presented the Petition from the American Congress to the noble secretary of state for that department.

Governor *Pownall* (who had been up several times before, but the chairman pointed to others) began with observing that still persevering, he arose to speak under every disadvantage and ill impression that a man could offer himself. He appeared, he said, like one determined to force his impertinences on the House, and to obtrude opinions which the committee were unwilling to hear, yet, that was not his turn of character; he very seldom troubled them, but at present, besides the desire he had to speak his mind, he had particular reasons respecting himself and his conduct in this business, which he wished to give, in explanation of what might be otherwise much misunderstood and much misrepresented. He said, he had been invariably an advocate for peace; was so at this hour, and ever should be; and yet, circumstanced as affairs now were between this country and America, he

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should give his vote against our laying down our arms, and for the continuance and strengthening of our force. If ever, said he, I had misrepresented the state of facts; if ever I had used the informations of which I was possessed, either to trumpet up a false alarm, or to give false hopes; if ever I gave or supported an opinion to serve any party whatever; if ever in any instance I treated these matters as party matters, I should be ashamed to rise in this House, I should not dare to open my mouth on the subject now, in this horrid period of events. Now that I am going to speak to facts, and give my opinion on those facts, if there is any person, who can fix upon any one article in which I ever misinformed the House, either as to a single fact, or as to the effects of things, I beg he may not only disbelieve me now, but mark the fact. He said, that in the wretched commencement of this sad business, in 1769, he had given his opinion against measures of force, and by stating the evil and destructive consequences of such measures, had endeavoured to turn the mind of our leaders from measures of force to modes of policy; he had never varied from that line either in his conduct or opinion. Was it now in the power of the House to have a choice, and was it now the question whether we should pursue this civil quarrel under modes of policy or by measures of force, he should now, as he did in 1769, give his opinion and his vote against force. But that was not the ground on which we stood; our debates were not whether or no we should go to war; we were at war. The Americans, (by a miserable fatality become our enemies) "had closed with us in an appeal from reason to arms," "were determined to use the power which their Beneficent Creator had put into their hands, and to persevere with the utmost energy in the cause in which they were fatally involved. That they had great internal resources, and every reasonable and well-grounded assurance of foreign aid." That while they thought that we expected of them an unconditional submission, their ultimatum, held out to us, was the laying down our arms, and a confession and relinquishing of our errors in opinion and conduct. That so going back to 1763, a period in which these errors were realized by practice, they might then treat with us as to what remained. He said the winter of course gave a natural respite to military force. He wished any ground might be found to give an actual suspension of arms; but he could not as a Briton, and in a British House of Commons, entertain the idea, in the face of the enemy under arms, of our laying down our arms, and surrendering at discretion. He wished for peace; he thought peace might be had; but as the Americans were in all events prepared for war, they set us the example; we should also be prepared, if peace could not be had this winter. The Americans meditated, and were able to establish, and would establish, as an independent state, a republic; "but necessity," to use their own words, "had not yet driven them to that desperate measure. They still wish to remain united to the nation subordinate to the mother-country, obedient to its sovereignty. They still, lamented, as the last and worst of all evils, (slavery only excepted) the breach with us, and most sincerely and ardently wished a reconciliation." He said, he was of opinion, that peace might be had on safe and honourable terms. He ventured very peremptorily to affirm it; he said, You may, if you will, have peace on terms which will save the honour of government; which will establish the sovereignty of this country, a constitutional sovereignty; and restore the union of the empire in all its commercial felicity; and, those matters settled, you may have a revenue by compact. But this peace is not to be obtained by dishonourable concessions and repeals; repeals of statutes back to the year 1763 would give them the advantage-ground, while concessions would cut the ground from under your own feet. You would concede, by such preliminaries, data from whence conclusions, which you could not resist, would be drawn to the giving much more than is now asked. And yet every justice might be done to the rights and claims of the Americans, and even your own rights and sovereignty confirmed and established without these direct concessions and repeals. By a revision and reforming of your whole system in the true spirit of the establishment of your colonies, in the true spirit of your Act of Navigation and the laws of trade, as first formed in lord Clarendon's time, who understood the affairs of the colonies better than ever they have been understood since.

This being his full persuasion, and having assured himself from his Majesty's Speech, that however necessary it had been thought, and really was, to prepare

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for war at all events; yet his Majesty's ministers had engaged themselves to some plan of pacification. This, he said, he thought was a matter so much to be wished, and which was truly so much wished, that as far as in him lay, he should give his aid and assistance to it. That he wished as anxiously and as ardently, as the gentleman who called upon ministers to produce their plan, to see it come forward; and did hope they would produce it. He hoped that every line that might lead to peace would be tried before the opening of the next campaign; but yet thought, that by a respectable and even formidable armament, we ought to be prepared for that campaign, if necessity obliged us to open it. But setting his foot firm on this ground of peace, he thought that those whom his Majesty entrusted with his powers of government could alone make it; that therefore, under the same idea by which he objected to the present motion, he should object to the bringing forward any other propositions, by any person whatsoever which was meant to anticipate, or to frustrate those measures of peace, which he hoped he should see put by his Majesty into the hands of his ministers. That until we saw how far these were practicable and honourable, or otherwise, he should be against any other person's taking the business out of their hands; that as we heard last year the conciliatory proposition explained into an auction, at which the Americans were to bid up for their rights, so now he found we were to have, (by a competition of propositions to be brought forward by some gentlemen) a Dutch auction; at which parties were to bid downwards for the good will and favour of the Americans; those to be best entitled to it who could offer the lowest terms: he thought this, he said, so unfitting, that he would put the previous question upon any such propositions, even upon those which an hon. gentleman (Mr. Burke) had given notice he would propose and move.

He then went to the explaining some matters of fact which had been asserted. First, in answer to an idea of his being intended to be one of the commissioners mentioned in the Speech; he totally disavowed any communication about it, or the least knowledge of it. He said, if it were offered, he should wish to know, first, whether the powers to be granted were such as could be of any use; he said these commissioners could not treat with the present self-created congress, and on the other hand, that no provincial assembly would treat with them; he said there must be other means found to obtain even preliminaries whereon to treat. In answer to a charge made against ministry for sending the transports so late to America, and to Quebec especially, he said, single ships might and did go all the year round to some part or other of America; that they might even get up to Quebec so late as Christmas; that until the river was shut by being frozen up, the northwesters and monsoons, in the latter season, were not against but for them when once in the river; that though there might be bad weather before, yet winter did not usually set in, so as to shut up the river, till Christmas. A gentleman had said that the French exclaimed against our conduct at the breaking out of last war, in seizing their ships without a previous declaration of war, as a breach of the law of nations. He explained this, and shewed that the French were the aggressors, and that they broke the law of nations, by seizing our Indian-traders, carrying them prisoners in irons to Canada, confiscating their goods to a great amount, destroying their habitations and settlements, and taking the King's forts by force. That he had the accounts of these losses made out in an authentic way, had sent them to the minister at the time, and had now duplicates of them by him; that he hoped therefore we should hear no more of this reproach.

Mr. *Burke* raised the laugh of the House at Mr. Pownall's expence, by ridiculing his declaration of what he could do, and what he knew; and by humourously saying the governor had tolled the bell, and given notice, that on Friday he would perform the funeral service over his intended, and, as yet, unknown, proposal for a reconciliation. As he was to be killed by a previous question, he begged to tell the House a story: he then related a legend of a prince whose parents superstitiously imagined he was to lose his life by a lion, and therefore prevented him from going out, for fear of his meeting a lion; but that one day he was in a room where that animal was imitated in the tapestry, which in rage he struck at, and there being a nail in the wall under that part of the tapestry where the lion's jaw appeared, it tore his hand, and killed him. Now, (said Mr. Burke) I find that I am to be killed by the foot of a more ignoble

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beast: that universal murderer, a previous question; I fear the liberties of this country will die by a previous question. He observed, that ministers had already given up the idea of taxation, and seemed rather doubtful of recovering America on any terms; but in such a state of political despair, the hon. gentleman told them, that not only peace and America might be recovered and restored, but that a revenue might be yet obtained. He admitted that the hon. gentleman had knowledge: but now, he said, (looking at Mr. Jenkinson) let me turn from knowledge to authority, which has always more weight in this House. I shall now speak to the real minister. From his speech it is obvious what is intended. An army is to "do the business;" since that is the case he should rest satisfied without further enquiry: but just to beg leave to know if there was one gentleman of the military profession in the House, (and, blind as he was, he could discern several red coats) who would rise and tell the House, that from his conscience he was satisfied the estimate on the table, and the arrangements in consequence of it, would answer the ends proposed.

Sir *John Wrottesley* mentioned his having been in company with some respectable and sensible American gentlemen, who talked of the present dispute, and informed him that there were three ways of terminating it with honour. The one, by treaty; the second by repealing all the Acts previous to 1763; and the third, by conquest. Sir John added, that these Americans had informed him the New York Petition, (which, like most of the others, was unfortunately clogged with a clause, denying the legislative authority of Great Britain over her colonies) was fabricated here and sent to New York, where, in compliment to the fabricator, it was signed and sent back to be presented. Sir John wished an end to the quarrel, but not at the expence of the honour or the rights of this country.

Mr. *Burke* urged sir John to have the person to the bar of the House who gave him the information, offering, on his part, to bring three evidences to disprove the fact.

The Committee divided on the first Resolution, Ayes, 227; Noes, 73.

Debate in the Lords on a Motion, "That the Petition of the Congress of America to the King affords Ground of Conciliation."] November 7. The order of the day being read for taking into consideration a Paper, intituled, "Copy of the Petition of the Congress to the King," delivered to the Earl of Dartmouth, by Messrs. Penn and Lee, on the 1st September 1775, the said Paper was read by the Clerk as follows:

"To the King's most excellent Majesty.

"Most gracious Sovereign;

"We, your Majesty's faithful subjects of the colonies of New Hampshire, Massachuset's Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the counties of New-Castle, Kent and Sussex in Delaware, Maryland, Virginia, North and South Carolina, in behalf of ourselves and the inhabitants of these colonies, who have deputed us to represent them in General Congress, entreat your Majesty's gracious attention to this our humble petition.

"The union between our mother country and these colonies, and the energy of mild and just government, produced benefits so remarkably important, and afforded such assurance of their permanency and increase, that the wonder and envy of other nations were excited, while they beheld Great Britain rising to a power the most extraordinary the world had ever known. Her rivals observing that there was no probability of this happy connection being broken by civil dissentions, and apprehending its future effects, if left any longer undisturbed, resolved to prevent her receiving so continual and formidable an accession of wealth and strength, by checking the growth of these settlements, from which they were to be derived.

"In the prosecution of this attempt, events so unfavourable to the design took place, that every friend to the interest of Great Britain and these colonies, entertained pleasing and reasonable expectations of seeing an additional force and extension immediately given to the operations of the union hitherto experienced, by an enlargement of the dominions of the crown, and the removal of ancient and warlike enemies to a greater distance.

"At the conclusion, therefore, of the late war, the most glorious and advantageous that ever had been carried on by British arms, your loyal colonies, having contributed to its success by such repeated and strenuous exertions as frequently procured them the distinguished approbation

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your Majesty, of the late king, and of arliament, doubted not but that they ould be permitted, with the rest of the npire, to share in the blessings of peace, d the emoluments of victory and conest. While these recent and honourle acknowledgments of their merits reained on record in the Journals and ts of that august legislature, the parliaent, undefaced by the imputation, or en the suspicion of any offence, they ere alarmed by a new system of statutes id regulations, adopted for the administation of the colonies, that filled their inds with the most painful fears and jeausies; and, to their inexpressible astoshment, perceived the dangers of a foeign quarrel quickly succeeded by domestic dangers, in their judgment of a nore dreadful kind.

"Nor were their anxieties alleviated by ny tendency in this system to promote he welfare of the mother-country: for though its effects were more immediately felt by them, yet its influence appeared to be injurious to the commerce and prosperity of Great Britain.

"We shall decline the ungrateful task of describing the irksome variety of artifices practised by many of your Majesty's ministers, the delusive pretences, fruitless terrors, and unavailing severities, which have from time to time been dealt out by them in their attempts to execute this impolitic plan, or of tracing through a series of years past the progress of the unhappy differences between Great Britain and these colonies, which have flowed from this fatal source. Your Majesty's ministers persevering in their measures, and proceeding to open hostilities for enforcing them, have compelled us to arm in our own defence, and have engaged us in a controversy so peculiarly abhorrent from the affections of your still faithful colonists, that when we consider whom we must oppose in this contest, and if it continues, what may be the consequence; our own particular misfortunes are accounted by us only as parts of our distress.

"Knowing to what violent resentments and incurable animosities civil discords are apt to exasperate and inflame the contending parties, we think ourselves required by indispensible obligations to Almighty God, to your Majesty, to our fellow-subjects, and ourselves, immediately to use all the means in our power, not incompatible with our safety, for stopping the further effusion of blood, and for averting the impending calamities that threaten the British empire. Thus called upon to address your Majesty on affairs of such moment to America, and probably to all your dominions, we are earnestly desirous of performing this office with the utmost deference to your Majesty; and we therefore pray that your royal magnanimity and benevolence may make the most favourable constructions of our expressions on so uncommon an occasion.

"Could we represent, in their full force, the sentiments which agitate the minds of us your dutiful subjects, we are persuaded your Majesty would ascribe any seeming deviation from reverence, in our language, and even in our conduct, not to any reprehensible intention, but to the impossibility of reconciling the usual appearances of respect with a just attention to our preservation against those artful and cruel enemies, who abuse your royal confidence and authority for the purpose of effecting our destruction.

"Attached to your Majesty's person, family and government, with all the devotion that principle and affection can inspire, connected with Great Britain by the strongest ties that can unite societies, and deploring every event that tends in any degree to weaken them, we solemnly assure your Majesty that we not only most ardently desire the former harmony between her and these colonies may be restored, but that a concord may be established between them upon so firm a basis as to perpetuate its blessings uninterrupted by any future dissentions to succeeding generations in both countries; to transmit your Majesty's name to posterity, adorned with that signal and lasting glory that has attended the memory of those illustrious personages, whose virtues and abilities have extricated states from dangerous convulsions, and by securing happiness to others, have erected the most noble and durable monuments to their own fame.

"We beg leave further to assure your Majesty, that notwithstanding the sufferings of your loyal colonists, during the course of the present controversy, our breasts retain too tender a regard for the kingdom from which we derive our origin, to request such a reconciliation, as might in any manner be inconsistent with her dignity or her welfare. These, related as we are to her, honour and duty, as well as inclination, induce us to support and advance; and the apprehensions that now

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oppress our hearts with unspeakable grief being once removed, your Majesty will find your faithful subjects, on this continent, ready and willing, at all times, as they have ever been, with their lives and fortunes, to assert and maintain the rights and interest of your Majesty and of our mother country.

"We therefore beseech your Majesty, that your royal authority and influence may be graciously interposed, to procure us relief from our afflicting fears and jealousies, occasioned by the system beforementioned, and to settle peace through every part of your dominions; with all humility submitting to your Majesty's wise consideration, whether it may not be expedient, for facilitating these important purposes, that your Majesty be pleased to direct some mode by which the united applications of your faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation; and that in the mean time measures be taken for preventing the further destruction of the lives of your Majesty's subjects, and that such statutes as more immediately distress any of your Majesty's colonies be repealed. For by such arrangements as your Majesty's wisdom can form, for collecting the united sense of your American people, we are convinced your Majesty would receive such satisfactory proofs of the disposition of the colonists toward their sovereign and the parent state, that the wished for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects, and the most affectionate colonists.

"That your Majesty may enjoy a long and prosperous reign, and that your descendants may govern the dominions, with honour to themselves, and happiness to their subjects, is our sincere and fervent prayer. JOHN HANCOCK."

"*Colonies of New Hampshire.*—John Langdon, Thomas Cushing.

"*Massachnset's Bay.*—Samuel Adams, John Adams, Robert Treat Paine.

"*Rhode Island.*—Stephen Hopkins, Samuel Ward, Eliphant Dyar.

"*Connecticut.*—Roger Sherman, Silas Deane.

"*New York.*—Philip Levingston, James Duane, John Alsop, Francis Lewis, John Jay, Robert Levingston, jun. Lewis Morris, Wm. Floyd, Henry Wisner.

"*New Jersey.*—William Levingston, John Deharts, Richard Smith.

"*Pennsylvania.* — John Dickenson, Benj. Franklin, George Ross, James Wilson, Charles Wilson, Charles Humphreys, Edward Biddle.

"*Delaware Counties.*—Cæsar Rodney, Thomas M'Kean, George Read.

"*Maryland.*—Matthew Tilghman, Thomas Johnson, jun. William Pace, Samuel Chase, Thomas Stone.

"*Virginia.*—P. Henry, jun. R. Henry Lee, Edmond Fendleton, Benj. Harrison, Thomas Jefferson.

"*North Carolina.*—Wm. Hooper, Joseph Hewes.

"*South Carolina.*—Henry Middleton, Thomas Lynch, Christ. Gadsden, J. Rutlege, Edward Rutlege."

The Duke of *Richmond* observed, that he now saw Mr. Penn, governor of Pennsylvania, below the bar, and as some doubt might arise in the course of the debate, whether or not the paper now read was genuine, he urged the propriety of calling that gentleman to authenticate it, as he understood that the Petition was delivered by him into the hands of one of his Majesty's secretaries of state.

The Earl of *Sandwich* opposed this proposition. He said such a motion was directly contrary to the constant mode of proceeding adopted by that House. When witnesses were examined at their lordships' bar, notice was always previously given, and a motion made in pursuance of that notice; nor did he, since his first acquaintance with parliament, ever recollect an instance of a witness being suddenly called to be examined, without the formalities he had just mentioned. For his part, that was his leading objection, though he suspected the noble duke who made the motion meant to employ it to very different purposes, to fish for information relative to the matter contained in the paper, as well as to authenticate it.

The Duke of *Richmond* replied, that he did not well understand what the noble earl meant by the word 'suspect;' suspicions were created by acts, which it was presumed the actor would be desirous to conceal. That could not however be the case on the present occasion; for allowing the noble lord's suspicions to be well founded, he saw nothing in such a procedure of which he need be ashamed. He confessed he should, if Mr. Penn was examined, be desirous to learn from that gentleman, what he knew relative to the general state of America, presuming no per-

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son was better qualified nor none would give it with greater candour and impartiality.

The Earl of *Dartmouth* said, that such a precedent was now proposed to be established as would, in all probability, if carried, be destructive of all order. The very grounds on which it was stated, that of authenticating the Petition, shewed there was no necessity for complying with the motion; for he acknowledged the receipt of such a petition from Mr. Penn, and believed himself, and made no doubt but all their lordships were perfectly of the same opinion, that the paper was genuine.

Lord *Camden* expressed his surprise that any lord should oppose the present motion, for without debating the point of order, which he was convinced fully authorized the propriety of the motion, he should be glad to know what objections the noble lords in administration had to it.

The Duke of *Richmond*, in reply to what had fallen from lord Dartmouth, observed, that however well satisfied the noble earl and his friends might be that the Petition was genuine, yet he thought the formality of authenticating it became highly necessary, when it was known that Mr. Penn did not receive the Petition immediately from the hands of the delegates, it having been sent after him to England, in order to be presented in the manner before described. He urged further, that the Petition being signed by the persons assembled in congress, in his opinion it would be very proper, that Mr. Penn, who was acquainted with the hand-writing of those persons, should be called to prove it.

The Earl of *Dartmouth* replied, that if that was the main purpose for which Mr. Penn was to be called, his examination would answer no end; the paper lying on the table being nothing more than a copy of an original in his office.

The Duke of *Richmond* insisted still, that Mr. Penn's examination would be equally proper, whether the original paper was immediately before the House, or in his lordship's office; for when that gentleman came to be examined at the bar, all that would be desired from him was, to know if the paper delivered by him to the noble lord at the head of the American department, was really signed by the persons whose names were thereunto annexed; that fact once ascertained, the proof would be complete, as their lordships would be then satisfied, that the copy now read was a faithful one, by the assurances given by the noble lord who had the original in his possession.

Lord *Lyttelton* spoke chiefly to the numerous inconveniencies that must arise, if the present motion should be carried, and established into a precedent on future occasions. He said, if their lordships, when summoned to deliberate and debate on any important question, should be surprised by extraneous matter, and witnesses called to the bar to be examined, on points which might introduce other subjects into discussion, it would at once destroy that order and gravity, for which their usual course of proceeding was known so eminently to excel; in short, it would create that kind of confusion and uncertainty, which, wherever it prevails, is so derogatory to the wisdom and dispatch of business, in a deliberative assembly. As for the other part of the precedent, that of calling for *vivâ voce* proof, to authenticate petitions presented to their lordships, it was a matter he would never assent to; because, in his opinion, such a condition would be intolerable, and in many cases impracticable; for it would amount to this, that every petition, from any part of the empire, which should in future be presented to that House, must be authenticated by evidence at their lordships' bar, in some instances to authenticate its contents, and in others to prove the hand-writing of the persons who may be supposed to sign it. His lordship was however of opinion, that although it would not be proper to examine Mr. Penn, in the manner now moved for, it was competent for any lord, upon due notice, to call for any person or persons who he might imagine would impart such lights as promised to lead to an elucidation of the subject on which he meant to frame his motion.

The Duke of *Richmond* observed, that the noble lords who declared themselves adverse to the motion, on the ground that it was contrary to the usual mode of proceeding, and would establish a precedent which might in future be an impediment to applications to them, in their legislative, deliberative, or judicial capacities, in the way of petition, he hoped would be satisfied, when he assured them, that no question was intended to be put to Mr. Penn, on which he did not desire it to be previously understood, that any noble lord might be at liberty to rise and object to it. He said, that matters which had fallen

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from several noble lords, in the course of the debate, and the great unwillingness some of them had shewn to have Mr. Penn examined, made him feel the urgent necessity of such an examination; because it proved, that they dreaded the consequences of such an enquiry, as fatal to the measures they were now hurrying parliament and the nation blindly to adopt. For his part, he had not the honour of being personally acquainted with Mr. Penn; but, from the gentleman's religion, the great interest he had in the event of the present unhappy disputes with America, and as proprietor of one of the richest provinces of that continent, he knew no man more likely to give that sort of information, which the House ought to wish to obtain, and which every true lover of his country, he was confident, would endeavour to trace to its most remote sources.

The Duke of *Grafton*, rejecting the mere matter of order, as unworthy of their lordships' consideration, said, he was extremely sorry to observe such conduct pursued on the other side of the House. The noble duke who made the motion had pressed it with all imaginable candour; he had even gone so far as to promise for himself, and in some measure pledged the good faith of his friends, that if any question, which should in the course of the proposed examination seem to be improper, an unconditional objection from any noble lord would be deemed sufficient reason for his grace to desist. The aversion to any mode of enquiry, and the fixed resolution to reject every kind of information which might promise to lead to the knowledge of the state of that country, manifested this day, suggested to him very strong fears; fears that the same fatal measures which directed the counsels of last year, were determined still to be pursued. He was very much surprised to hear the same language adopted on the present occasion, though the ruinous consequences, which were produced by the same arguments last session, were now so sensibly felt. Another reason for the proposed examination, and which, he flattered himself, when the circumstances were recalled to their lordships' minds, would have a proper weight with administration, was, the declaration of a noble lord, high in office, (lord Gower) who on the first day of the session, ingenuously owned he had been deceived, and attributed all the miscarriages of the last summer, and all the evils which now seem to be suspended over the head of this devoted country, to a want of full and genuine information. Such, then, being the case, as stated by one noble lord, and confirmed by almost every one who spoke on the same side; and such being the evidence proposed this day to be given at your lordships' bar; how is it possible, that your lordships can hesitate an instant on the choice, though experience had not taught you the necessity of such an enquiry? But when experience has taught you the fatal consequences of your former mistakes, how is it possible that your lordships can refuse the aid of the lights now offered to be held out to you?

Earl *Gower* said, it was unparliamentary and extremely improper, to refer to any words spoken in a former debate, particularly on a different question. He was however glad of an opportunity of explaining a matter which had been industriously misrepresented without doors, as if his words had imported an actual designed deceit put upon him, with intent to mislead administration. Nothing, he solemnly affirmed, was farther from his thoughts: when he said he had been deceived, he meant, that those on whose informations and reasonings administration rested, had themselves been misinformed in point of fact; or, in reasoning on the fact so represented, had been mistaken in their conclusions. This was the utmost extent his saying he was deceived went to; and he would appeal to their lordships, if there was any thing more difficult than to reason on the state and disposition of a country. It was matter of opinion on either side, in which every man was more or less liable to err; when, therefore, he said he was deceived, he begged their lordships to understand him in the sense he had now explained himself, and in no other. The noble duke had thrown out another insinuation directly contrary to the former, at least in consequence; that his grace had asserted, their lordships had been made to decide on their mutilated and garbled accounts, which was, in fact, saying, that administration had intelligence but purposely held it back. He would appeal to the candour and recollection of the noble duke, if on a former occasion, he did not himself condemn the impropriety of laying the information before the House, in the exact state it was received; when probably such a conduct would be productive of so many fatal consequences, no less than endangering the lives and properties of these, whether Englishmen

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or natives, who have, through this contest, been the professed and steady friends of this country. The word 'garbled' therefore, as applied to the conduct of administration, was, in his opinion, a very improper word. Garbled, according to its usual reception, meant an omission of every thing which might inform their lordships properly on the subject; and bringing forward only such parts of the information as would answer the particular purpose of those who had an interest in suppressing the real sense of the writer or informant. This he understood to be the true import of the word 'garble;' a sense in which it was never more improperly applied; for administration had all along laid every necessary information before their lordships, and held back only that part which related to matters of mere private consideration, or where a disclosure of facts might endanger the safety of the persons concerned. On these general grounds he was very unwilling that Mr. Penn should be examined; but upon none more, than that his evidence might probably affect his own interests in America. It might create prejudices against him of a most fatal tendency. He was perfectly satisfied of the impartial, candid disposition of that gentleman; yet if it should appear that he had formed his opinion on the other side of the question, if any motion was to be made in consequence of those opinions, it would be necessary to call other evidence, before their lordships could come to a determination; therefore taking it in either light, he did not see what good purpose Mr. Penn's examination could answer.

The Duke of *Richmond* said, if the noble earl meant seriously to go into the enquiry, he was very willing, on so important a consideration, to give up his motion for Mr. Penn's examination, and rest on that assurance, that an enquiry would be set on foot, in order to come at that species of information, so necessary to direct the progress of their future proceedings.

The Earl of *Effingham* observed, though the noble duke had given up the point of order, he was perfectly satisfied that most, if not all, the witnesses examined relative to the Fishery Bill of last session, were examined without any previous notice whatever being given.

Viscount *Weymouth* said, he never knew an instance where a witness was called suddenly to the bar, without previous notice; that it had been the established usage of parliament to do so; and that a deviation from that rule now, would open a source of confusion in future, which it was the duty of every lord to do all in his power to prevent. But the main point was, that if Mr. Penn was called to the bar and examined, it would have this effect, that after his evidence had been received, the noble duke who called for the paper, would probably frame some motion on the information then given, by which means, let that be what it might, the House would be led of course to come to some resolution, arising from what they had then heard. No man had a higher opinion of Mr. Penn's impartiality than he had, but, still, whatever he might impart to the House, either by way of information or otherwise, would be but the opinion and information of one man, who, however respectable, could not be supposed every way competent to decide, so as to govern the determination of that House upon a subject of such great and singular importance. He would therefore submit it to the noble duke, if it would not be more proper to withdraw his motion, and appoint some future day for the discussion of a subject of such magnitude, on which other persons conversant in the present situation of America might be ordered to attend and be examined at the same time with Mr. Penn.

The Duke of *Richmond* replied, that it was always understood, when any noble lord moved for a paper, he had some motion, directed to some particular object, to propose. That, he said, was his intention on the present occasion; but as the noble viscount had pressed the impropriety of resting entirely on Mr. Penn's evidence, he was very willing to have that gentleman examined for the present, and to postpone his motion till the next day. This he presumed would completely obviate the noble lord's objection against coming to any sudden resolution, barely on the information now desired.

Viscount *Townshend* insisted, that it was impossible to admit Mr. Penn to be examined on any ground offered by the noble duke. He assured their lordships, though he objected to Mr. Penn's examination, he did not mean to impute the smallest degree of partiality to that gentleman: his evidence, however, must be very improper, as laying a foundation to ground a motion on; because, be his information ever so impartial and well se-

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lected, it would still be no more than the limited knowledge or particular opinions of a single individual.

The Duke of *Grafton* lamented in the most pathetic terms the fixed determination that had in the course of the debate shewn itself among the several members of administration, to shut out every species of information, and to rush headlong on their own ruin; and, which was much worse, probably to hurry on the ruin and destruction of the nation. A noble lord high in office (lord Gower) seemed unwilling to consent to examine Mr. Penn, on the idea that it might affect his private interest, or that his evidence might affect persons now in America. He understood general Gage was daily expected home, and he presumed, if any information should be expected from him, the same apology would apply; his evidence might, nay it must affect persons in America, for there the scene is laid, there the persons immediately concerned reside. What is this, but very plainly telling us, that we are to have no information at all? for I will venture to contend, that if the present motion be rejected on the ground now urged, no motion of a similar nature, respecting the affairs of America, can possibly succeed. What is this, but giving us to understand, that we must remain at the brink of that precipice, on which every true Englishman stands trembling, and waiting the instant in which the fate of his country shall be irrecoverably decided, and whither, I may add, he has been led blindfolded or compelled to grope his way? Are we, then, to trust to the same assurances by which one noble lord was deceived, or shall we, like men who prefer the call of duty to every other consideration, endeavour to obtain lights in this business, that have hitherto been denied us? For my part, though I have the misfortune to differ from the noble lords in office, I am still open to conviction. I have been informed of some things, have heard a great deal, and have, according to the lights I have been able to obtain, formed an opinion; but I frankly declare, that on being better informed, I should gladly embrace the truth. I know no man better calculated to tell it us, than the gentleman whose examination is now moved for: for besides his known disposition to candour and impartiality, he has every possible inducement to reveal it; and not one single motive for suppressing or withholding it. Let me therefore supplicate the noble lords in administration to agree to the motion: on this point surely, there should not be a second opinion in this House. If your lordships mean seriously, and will tell us fairly, that you have information to lay before the House, and will fix a time for submitting it to our consideration, I shall wait with pleasure, and rely in full confidence, on the faith of such an assurance. If, on the other hand, you tell us you have no information of your own, and that you are determined to reject all other, however important in its nature, at that instant, I shall augur the most fatal consequences, from so unprecedented a mode of proceeding.

The Earl of *Shelburne* rose to rectify one or two trifling mistakes of the noble duke who made the motion. He said, that Mr. Penn was not of the religious profession his grace seemed to allude to, nor was he proprietor of the province of Pennsylvania; but he acted there in a character, which in every respect fitted him to be one of the properest persons imaginable, not only to be publicly examined, but specially consulted. He acted there as governor, by which he had the means of knowing the disposition of the people within his government, and the strength of those who were for supporting the claims of the mother country, if any such there were. He must likewise know in a great measure, the prevailing disposition of the whole American continent; as the place where the delegates and their followers chose to assemble, was in the capital of that province over which he presided. His lordship entered shortly into the general reasons so often urged, for examining Mr. Penn; and concluded with pressing on the noble lords, the propriety of acceding to the motion.

The House divided: Contents 22; Non-Contents 56. The duke of Richmond moved, "that Mr. Penn be ordered to attend at their lordships' bar to morrow."

Lord *Lyttelton* thought the notice much too short. He said, it would be a singular hardship on Mr. Penn, to be obliged to attend at their lordships' bar, and to undergo a long examination, in the course of which a variety of questions might be propounded, difficult to answer, on many accounts, and in some extremely unpleasant and disagreeable. On this account, as well as wishing to give the gentleman time to arrange his ideas on so important a subject, he expressed a desire, that the examination might be deferred till Wednesday or Friday sennight.

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The Duke of *Richmond* believed Mr. Penn was fully prepared; as he must, from the nature of his office, connections, and situation, have frequently turned his thoughts to the subject; it was the general, the only topic of the country he had just left; in fine, it was uppermost in every man's mind, almost on either side of the Atlantic, who reasoned or thought at all on subjects of such a nature.

Earl *Gower* pointed out the impropriety of examining Mr. Penn, either as his information might affect himself, or affect others. He said, the consequences of disclosing matters, in which several persons now in America were concerned, ought to be proceeded on with all possible caution and circumspection.

The Earl of *Dartmouth* reasoned in the same manner; and proposed that Mr. Penn should be indulged with a privilege of refusing to answer any question which he should imagine might be injurious either to himself or to others.

Lord *Camden* said, it was true, that House was not tied up by the rigorous rules of proceedings in relation to evidence observed by the courts in Westminster-hall; for though they were a court of law, they acted upon a more liberal plan. They excused on account of indisposition; they made great allowances in respect of their mode of examination; they pressed no gentlemen wantonly into disagreeable situations: they avoided, as much as possible, any explanations that might hurt the feelings of the witness. In the exercise of their judicature, they acted with a noble liberality; but in so doing, they took care never to turn their backs on the eternal obligations they are under of dispensing justice; and their strict attention to such a conduct still became more necessary, according to the magnitude of the object in contemplation. What, then, is the purport of the noble earl's proposition? Why, that in a matter every way answering to the cases I have discriminated, Mr. Penn shall be excused from answering only as much as he pleases. No, my lords, I trust no such doctrine will ever prevail in this House. Though I have a high esteem for the gentleman, whose name has been so often mentioned in this debate, I confess, if he were my dearest friend, I should positively reject any proposal for granting so unprecedented an indulgence, particularly on the present occasion, when so much may depend on his testimony.

The Earl of *Denbigh* moved, that Mr. Penn's examination should be fixed for the 10th.

The Earl of *Shelburne* was severe on the arguments used by the noble lords in administration, relative to concealing people's names. He always suspected those who gave private information under a condition of secrecy. This species of secret-telling was generally founded in personal interest, or sinister views; for which reason, whenever secrets coming under this description, were imparted to him, he never hesitated on the propriety of repeating them, unless absolute silence was enjoined. Such were the sort of persons, he had strong reason to suspect, by which the noble earl in office and the rest of his brethren had been deceived; and he was sorry to understand, by the whole of the arguments urged on the other side of the House, that such men are to be suffered to pursue their own interest, at the expence of the public; and by being thus protected by promises of concealment, will in the end, he feared, be permitted to escape with impunity.

The question was put upon the earl of Denbigh's amendment. For it 52; Against it 21.

November 10. The Duke of *Richmond*, before he began to examine Mr. Penn, begged leave to remove an apprehension which seemed to prevail with several of their lordships, lest that gentleman, from the delicacy of his situation, should be obliged to answer any question that might embarrass him in relation to persons or opinions on which he would wish to be silent. Aware of this, he had drawn up the material questions he meant to put to the witness, and delivered him a copy, desiring to point out such, if any, as he wished to decline answering; but Mr. Penn, after having perused the paper, returned it to him, with an assurance that none of the questions came within the description his grace seemed so solicitous to avoid.

The Earl of *Sandwich* animadverted obliquely on this procedure; said, it looked as if the questions and answers had been previously consulted and agreed on between the noble duke and the witness.

The Duke of *Richmond* observed, that was a most extraordinary interpretation the noble earl put on his conduct: he imagined that the candour he had used, would have met with a different construction.

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The Earl of *Sandwich* replied, that he was within the judgment of their lordships, whether he deserved the reproof now given him; and explained his words, by saying he did not mean any previous consultation as originating from his grace, but merely a general consultation relative to the subject of examination.

The order of the day being read,

Mr. *Richard Penn* was called in; and being sworn, was examined at the bar as follows:

Q. How long have you resided in America?—*A.* Four years.

How long was you in the government in Pennsylvania?—Just two years.

Do you know, or have you heard of any violence or unfair proceedings in the election of the members of the continental congress?—I have not heard of any.

Do you think the members are men well-informed of the temper, disposition, and strength of their respective provinces, and capable of conveying the sense of America?—I think they are men of character, and capable of conveying the sense of America.

Do you think that their several proceedings do, in reality, convey the genuine sense of those provinces you are acquainted with?—They do undoubtedly convey the sense of the provinces they represent.

Have you any reason to doubt they do convey the true sense of the other provinces?—They certainly do convey the sense of the other provinces also.

Do you think the provinces will be governed by their decisions?—I firmly believe the provinces will be governed by their decisions.

Do you not think that the present war on the part of America is levied and carried on by the directions of the congress, and supported by the inclination and zeal of the colonists in defence of their liberty?—This war is levied and carried on by a sense of the defence of their liberties, as they think.

Can you think that it is levied or carried on by any other means or persons?—I do not think it is carried on by any other means or account.

Are you personally acquainted with many of the members of the congress?—I am acquainted with almost all the members of the congress.

Do you think they levy and carry on this war for the purpose of establishing an independent empire?—I think they do not carry on the war for independency; I never heard them breathe sentiments of that nature.

For what purpose do you believe they have taken up arms?—In defence of their liberties.

Was you in America at the time the Stamp Act was laid?—I was.

What effects did it produce?—It caused great discontent, uneasiness, and distress.

Was you there when it was repealed?—I was.

What effects did the repeal produce?—The repeal gave great joy, and the anniversary was kept as a day of mirth and festivity.

Were the Americans satisfied with their condition, notwithstanding the Declaratory Act accompanied the repeal of the Stamp Act?—They were satisfied with their condition, notwithstanding the Declaratory Act.

If Great Britain had left things in the state they then were, do you think America would have remained content?—I think they would.

Is it the general opinion in America, that they are able to resist the arms of Great Britain employed to enforce taxation, and the late Acts complained of in America?—It is the opinion of all I have ever conversed with.

Is the spirit of resistance to these Acts general as far as your knowledge goes?—Quite general.

What force has the province of Pennsylvania raised?—When I left Pennsylvania, they had 20,000 men in arms, embodied, but not in pay, and 4,500 men since raised.

What were these 20,000, militia, or what?—They were volunteers throughout the province.

What were the 4,500?—They were minute men, when upon service in pay.

Are they included in the 20,000 men, or exclusive of them?—Exclusive.

Doth the province contribute money besides to the continental army?—They do.

How many men, fit to bear arms, is it supposed there are in Pennsylvania?—Sixty thousand.

What proportion of these 60,000 do you believe would willingly come forth, if nceessary, in the present contest?—All, I believe.

Doth Pennsylvania grow a sufficient quantity of corn to supply its inhabitants?—Much more than is necessary, for they export considerably every year.

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Do they make gunpowder in Pennsylvania?—They have lately.

Have they taken any methods to procure salt-petre?—They have established several works for that purpose.

Do they cast brass cannon?—They do in the city of Philadelphia.

Have they the materials and means of casting iron cannon?—They have, in great plenty.

Do they make small arms?—They do, in great numbers, and very complete.

Is it not reckoned that there are in Pennsylvania and New York many strong posts, and considerable rivers?—There are.

Are there bridges over the principal rivers?—Bridges are not common, in general there are ferries; the rivers are too rapid for bridges.

Do they build ships in Pennsylvania?—They do.

Do they build them expeditiously?—Very expeditiously.

Of what burthen?—300 or 400 tons.

Did the Congress, and the people in general, seem dissatisfied with the reception their petition had met with here?—The colonies were dissatisfied with the reception of their petitions. They had conceived great hopes from that I brought over, which was stiled the Olive Branch, and I was complimented by my friends upon being the bearer thereof.

If conciliatory measures are not speedily pursued, is it not to be feared that the congress will form some connection with foreign powers?—It is greatly to be feared, if conciliatory measures are not speedily pursued.

If any connection with foreign powers should be formed, do you not think that it will be very difficult to persuade America to renounce engagements she has once entered into?—I do.

When you delivered this Petition did the Secretary of State ask you any questions relative to that country?—None at all.

Did he, or any other minister, at any other time since your arrival, ask you any questions as to the state or temper of America?—I have not been asked any questions by persons in authority.

Did most thinking men in Philadelphia understand the refusal of the Petition would be a bar to all reconcilement?—They did.

Have you ever read the Declaratory Act?—I have not read it.

Have you not heard of it?—Yes, I have heard of it, but not much discussed.

Do you think that the colonies assent to the following words: 'That the colo-'nies and plantations in America have 'been, are, and of right ought to be, sub-'ordinate unto, and dependant upon, the 'imperial crown and parliament of Great 'Britain?'—The colonies, I believe, are inclined to acknowledge the imperial authority of Great Britain, but not in taxation.

Do you think they acquiesce in every other sense of the Declaratory Act except taxation?

The Duke of *Richmond* objected to the question. He insisted, it was neither fair nor parliamentary, to lead the witness into discussions of such an intricate nature, for the purpose of involving him in confusion and consequent contradiction. It was a subject of a very abstruse and intricate nature; men of the first rate abilities and experience entertained different opinions concerning it, and it was of course out of the view entirely of examinations at their lordships' bar.

The Earl of *Sandwich* replied, he was strictly within order; that the witness's own sentiments were not desired; but seeming to be so well acquainted with the persons of the members who composed the congress, it was probable they might have communicated their opinions to him on the present subject of inquiry.

The witness at the commencement of this conversation, having been desired to withdraw, was again called in, and replied:

Believes the colonies acquiesce in the words of the Declaratory Law.

Was there no violence used in the election of the members of the congress?—I know, of my own knowledge, only respecting Pennsylvania, where they were elected by the House of Assembly.

Do you know all the members of the congress?—I am acquainted with almost all of them.

Do you know Mr. Harrison?—I do, he is a delegate from Virginia.

Is he a man of good character?—I believe him to be so, I never heard to the contrary.

Is he able to convey the sense of the province he represents?—I imagine so, or they would not have elected him.

Are you acquainted with the sentiments of America in general?—I am particularly acquainted only with the sentiments of Pennsylvania.

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Have you heard of the resolutions of Suffolk in Massachuset's Bay?—I have.

Have the Congress declared their approbation of them?—I believe they have, it was in the public papers.

Have you not heard of violences committed on persons for speaking their opinions?—Not in Pennsylvania.

Are the sentiments of the northern and southern provinces similar?—I believe they are.

Are the people of the different provinces in a state of freedom?—They think themselves so.

Would not persons, who were to advance sentiments different from the Congress, be in danger?—I believe they would.

Do not you know of people having been persecuted for their opinions?—I do not know of any such thing in Pennsylvania, during my residence there.

Have you not heard of such things in other colonies?—I have heard so.

What notice did the Congress take of the Resolutions of the House of Commons last year?—I do not know, they keep their deliberations to themselves.

Was the plan proposed by lord Chatham last year taken notice of by the Congress?—Not that I know of.

Do you know whether the Congress published any thing as to the Resolutions of last year?—Not that I recollect.

Was the conciliatory plan of last year considered in the provinces?—It was considered in Pennsylvania, and rejected by the House of Assembly, because they would not forsake their sister colonies, nor do any thing without consulting them.

What sort of men were the 20,000 men who offered to enrol themselves?—They were men of the first character and fortune.

Were they not all persons of property, or possessing land?—There might be some others among them, but in general they were so.

Unless the Congress had the confidence of the Americans could they have any other means of enforcing obedience to their orders?—They could not.

Doth the Congress meet with the general approbation of America?—When the Congress was first proposed no one opposed it; it seemed to be the general wish of the people.

Could a sufficient number of people be found to support any one in speaking or writing against the Congress?—No.

Are you master of the charter of Pennsylvania?—I believe I am, I have read it often.

Are the inhabitants well satisfied with their charter?—I believe they are perfectly so.

Do you know the clause that subjects them to taxation?—I do know that clause.

Do you think they are satisfied with it?—Yes.

Is it not the object of the Congress to throw off the regulations of their trade?—No.

Have not the Congress persecuted people?—Not to my knowledge.

Would not the most opulent inhabitants prefer freedom under this country, to what they now enjoy?—They would prefer it to any other state of freedom.

Do you think they wish to support the measures of the Congress at present?—It is firmly my opinion that they do, but wish at the same time for a reconciliation with this country.

When you said that Pennsylvania was satisfied with the clause in their charter concerning taxation, did you mean to say that they were willing to be taxed by parliament?—I do not believe Pennsylvania would be satisfied to be taxed by this country and by their own government too.

He was directed to withdraw.

The Duke of *Richmond* then rose and said, he would shew the necessity of an immediate reconciliation between Great Britain and her colonies. That the colonists were disposed to an amicable adjustment of differences was evident from the very last Petition which had been presented from the Congress to the King. The prayer of that Petition was, "for a restoration of peace," and it was pressed on the consideration of parliament by the language it was clothed in, which was that of dutiful submission to the sovereignty of Great Britain, as far as the sovereignty was compatible with those rights secured to freemen by the constitution of the empire. This, and infinitely more might be said in behalf of the restoration of peace, that it was the object panted after by one, and it was the only thing conducive to the happiness of both of the belligerent powers. Should the war be pertinaciously pursued, what, unless carnage, desolation, an augmentation of expence, and every evil resulting from civil discord, were to be expected? If the conquest of America was the measure proposed, the difficulties resulting from the attempt, were of such

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a magnitude as hardly to be surmounted in the given state of things. The Americans, whether they had or had not the courage to make use of arms, were at least expert in the mode of using them. They had resources within themselves for the subsistence of their armies, and they were intimately acquainted with all the passes and defiles throughout their country. On the other hand, an army transported from England to America had subsistence to seek for on the spot, or must wait in expectation of succours from Great Britain. To any peer who had consulted the state of the country, it must be evident, that there was one almost insuperable difficulty with which an army would have to struggle. America abounded with vast rivers; the rapidity of the currents rendered the construction of bridges so insecure, as hitherto to dissuade the inhabitants from the futility of the attempt. An army, therefore, would find those rivers so many natural barriers against every effort they might make to penetrate the interior parts of the country. But admitting the army advanced to any given spot conjecture might choose to specify; was it certain, that by the conquest of this or that town, the spirit of the people would be broken, or their passion for liberty restrained within just such bounds of decorum as parliament might prescribe? If this could not be ensured, the depopulation of villages, or the levelling of towns, were triumphs which cruelty only could delight in, or a thirst for blood propose. What proofs, however, had we to exhibit, that even our arms would be attended with such success, as to carry fire and sword undefeated throughout the continent? The troops under the command of general Gage had acted bravely; but what victory had they achieved? The unhappy affair at Lexington evinced, that those regiments which were to look the Americans into subjection, did not altogether carry such terror in their countenances. Hence, in his judgment, from the specimens already afforded; from considering the state of the country on the one hand, the disposition of the people on the other, and the various accumulating difficulties attending the subsistence of the army, in proportion as it was farther advanced from the mart of supplies, all these circumstances collectively taken, formed grounds sufficient to pronounce on the impracticability of the conquest.

But laying aside for one moment the practicability of conquest, whither were we to turn our eyes for that colossal army, by which the reduction of America was to be effected? The noble duke had heard of 20,000 Russians. This might be mere matter of report, but as ministry did not think it expedient to afford parliament any solid information, report was all that peers now had to debate on. There was such a fluctuation of men, though no change of measures, that it was impossible for him to conjecture to whom he should apply for information. Whether or not the noble lord in red (lord Lyttelton) was now a minister of the day, could not with certainty be pronounced; if the peer alluded to was in the secrets of government, he might possibly indulge the House with some information respecting the 20,000 Russians intended to be sent against America. In the interim, the noble duke thought it by no means inexpedient to state the expensiveness of the measure, as a principal reason why it should be reprobated. The transportation of 20,000 Russians would cost government 500,000*l.* An equal number of British troops should be sent at the same period, or ministry might find, that the Russians, instead of conquering America for England, would take possession of it themselves, in virtue of that law of conquest, acknowledged by all freebooters. That the Russians would gladly emigrate to America, no person could doubt, who was in the smallest degree acquainted with the dispositions of those people. Shoals of Cossacks were continually deserting their country, to seek more comfortable settlements in the north of China: 70,000 of these Cossacks, proceeding on such a plan, had lately bidden adieu to the Russian empire. It could not therefore be imagined, that 20,000 Russians would have the least objection to be sent, free of expence, to America; but there was much reason to suspect, that, when there, they might think the advantages resulting from submitting to the American Congress preferable to those they could derive from defending the measures of a British parliament.

His grace next treated the plan of sending live stock to Boston, in order to supply the King's troops with fresh meat, with great ridicule, and shewed the difficulties the army would have to encounter, supposing they should be able to penetrate into the country; a close country in some places, in others abounding in forests and underwoods, intersected by deep and

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broad rivers; but, above all, a country where every bush would conceal an enemy, where the cultivated parts would be laid waste, and the army, if any could march or subsist, would be obliged to draw all its provisions from Europe, and all its fresh meat from Smithfield market. Supposing, then, that the troops had scarcely any thing to impede their progress, yet the necessity of carrying along with them every thing they wanted, through a country thus rendered a desert, would give birth to such an innumerable train of difficulties, as no general, however experienced, would be able to obviate; nor no troops, however brave, be able to surmount. To this picture he contrasted the Petition from the Continental Congress to the King, which breathes nothing but loyalty and obedience to his Majesty, and submission to the constitutional claims of parliament. Here his grace referred to several passages, expressive of those sentiments, and again alluded to several parts of the evidence in affirmance of their sincerity; and concluded by drawing a picture of the various blessings that would be derived, and the innumerable evils that would be averted, should their lordships think proper to take the petition into consideration, on the foot of deeming it a proper foundation of treaty and concession. His grace then moved, "That the matter of the said Petition affords Ground of Conciliation of the unhappy Differences subsisting between the Mother Country and the Colonies; and that it is highly necessary that proper steps be immediately taken for attaining so desirable an object."

The Earl of *Dartmouth* contended, it was impossible to recognize the Petition, which was the subject of the present motion, without at the same instant relinquishing the sovereignty of the British parliament. It was no longer a question about taxation, about the quantum to be raised, or the mode of raising it; it was not the conquest, but the allegiance of the colonies, which administration were desirous of obtaining. In estimating the force necessary for the subjugation of America, as well as in stating the necessity of immediate conciliation, the noble duke had proceeded on the supposition of there being two equal belligerent powers engaged in a contest, which it was the interest of both to have decided by accommodation. Had the noble duke purposely forgotten that the belligerent power, whose prowess he had so much extolled, was composed of subjects, now in open rebellion against the parent state? In proportion as the Americans were more capable of resistance, the virtue of abstaining from such an unjustifiable conduct, would have been more conspicuous. To extol, therefore, the power of the colonists, was only to heighten the degree of their guilt, in exerting that power against the very state which had afforded them protection through an age of infancy, and had nurtured them to manhood, at the expence of blood and treasure.—The noble lord adverted to a question which had been propounded to Mr. Penn, respecting "the silence of the Secretary of State for the colonies, when the Petition from the Congress to the King was delivered for presentation." It had been remarked, with some degree of surprize, that not a syllable of answer had been returned. Was not silence in matters of this nature perfectly conformable to the usage of office? Was it not a fact of notoriety, that the King is not expected to give an answer to any petition, unless presented to him on the throne. It would have been highly indecent, therefore, in the secretary, to have given an answer unauthorised. If the silence was construed into a disapprobation of the Petition, it was, in the noble lord's opinion, a very justifiable construction. The Petition, in terms, was unexceptionable, but there was every reason to believe that the softness of the language was purposely adopted to conceal the most traitorous designs. Did it become the offending party to dictate the terms on which peace would be accepted?

The Earl of *Shelburne* began with observing, that this was not a time to enter into the conduct of the Americans on the one hand, or that of ministers on the other; yet he could not think it possible but that a day must come, when the conduct of ministers would be enquired into. For the arrival of that day his lordship reserved himself; in the interim, he could not return to his habitation with an approving sense of having discharged his duty, without delivering those sentiments which, after making up his mind on the subject, he professed to flow from the principles of his heart. His lordship entirely concurred with the motion; he adopted the Petition from the Congress to the King, as affording grounds of conciliation; he closed with those grounds, and he thought administration should do the same, for this, amongst other cogent rea-

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sons, because there remained no other alternative.

In his apprehension, there were only two obstacles which could be urged against the motion. It might be urged in the first place, that to yield to the proposal of the colonists was to give up the point of taxation. In the next place it might be censured, as derogating from the dignity of parliament, to treat with an assembly not legalized as a congress. The first objection was nugatory; it was not in the order of time to urge such an objection. The point of taxation had repeatedly been given up, even by the ministers themselves. To make that an obstacle, which had been already yielded as of no avail, was to conjure up the phantom of an objection, for the purpose of combating the substance of truth. The right of taxation had, from the first, been chimerical. Expedients to obtain an acknowledgment of that right had been several ways tried. Taking money without the consent of the people, was so fundamentally wrong, that the more we consider it, the more we must be convinced that we have no right to tax America. No subtlety of lawyers can subvert this truth; nothing could be more directly in point than the example of Ireland. Ireland had been the place chosen for a trial of skill, because Ireland stood in so similar a predicament with America, that an acquiescence in the matter of taxation would afford a precedent to ministers, for coercing America with right on their side. Yet notwithstanding all the ductile arts of government; notwithstanding the advantages resulting from a great court lord, sent over lord lieutenant to that kingdom, and a military secretary, the Commons could not be prevailed on to advance a single step beyond the usual track. It was found impossible to persuade the managers of the business to let the term of 'parliament' be foisted into the address: not but that the advantages held out were considerable, for assurances had been given by the servants of the crown, that no bad use would be made of the concession. On the contrary, let the American war cost what it would, Ireland should never be called on to contribute a shilling towards defraying the expence. From this it was too plain who were to be the unhappy sufferers under the burthen of this ruinous and unnatural war. The rejection of the proposal evinced the extreme caution of Ireland not to afford a colourable pretext for the exercise of a right, the existence of which she formally disclaimed. Hence the precedent, so industriously laboured for, was not so happily created as ministry could have wished; and hence the point of taxation had been yielded, because the arguments of subtlety were not sufficient for its support. The point of taxation having been given up, for what were we longer to contend? And if there was nothing of a substantial nature for which a contest should be continued, peace should be immediately embraced, as the only eligible alternative.

Admitting the necessity of peace, what prevented but that we should set about the work of accommodation? Should the idea of treating with a Congress obstruct our procedure in pacific measures? There was a time when American Congresses were highly respected by government. When lord Halifax, Mr. George Grenville, Mr. Oswald, and other able men sat at the Board of Trade, an American congress had been constituted by their advice; the measure met their ideas. What wise men once approved, deserved better treatment than hasty reprobation. If it derogated not from the dignity of parliament to treat with the Congress, it remained only to consider what were the grounds of conciliation afforded in the Petition from the delegates. His Majesty was besought "to recall his troops;" which could only be construed as a prayer for the suspension of arms. "A repeal of sundry Acts were solicited." The Acts alluded to could only mean those which struck at the fisheries, at the trade, and at the American charters, added to that infamous Canada Bill, which sacrificed the law, the liberty, and the religion of England, to French law, French despotism, and Popish superstition. The Americans had talked of the repeal of the Acts passed since 1763. The noble lord conceived this proposition to contain no more than that the colonists wished for the repeal of the "burthensome parts of those Acts." An absolute and unconditional repeal, it would neither be wise in the one party to ask, nor prudent in the other party to grant. So far as the custom-house laws in America were necessary to the due regulation of trade, and the maintenance of our monopoly, he should be for supporting them.

Admitting ministry thus far advanced in a plan of conciliation; as a suspension of hostilities would carry the appearance of peace, a restoration of charters would wear the aspect of returning liberty; both

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measures would be considered by the Americans as evincing a desire of accommodation. Thus far, then, the Petition afforded grounds of conciliation. Were these grounds adopted, he pledged himself to the House, that he would be answerable with his life, Great Britain might afterwards dictate terms for herself. This proposition surely met the ideas of those who were most strenuous in asserting the supremacy of this country; for could there be a more exalted instance of supremacy, than that of dictating like conquerors, and being obeyed like sovereigns? The misfortune was, that as in some cases ministry supposed facts which were untrue, for the sake of the consequences; on the present occasion salutary truths had been deemed fictitious, lest their adoption should have led to the pursuit of conciliatory measures. Acts which had been passed in direct opposition to the citizens of London, were frequently prefaced by a preamble, setting forth, "that in consideration of the solicitations of his Majesty's faithful citizens, it had been thought necessary to enact such and such particulars." Such was the recent case of the Act for the Adelphi embankment, though the city of London struggled against it, as a violent proceeding of partiality to the invaders of their property and of injustice to them. To put an end to the destructive ravages of civil war, by opening a door of reconciliation, ministry would have been forgiven, had they supposed even a non-existing case; yet when authentic vouchers stared them in the face, they shunned conviction, by questioning the sincerity of those who sued for peace. The object of contention ought not now to be, whether we obtained the full completion of our desires; but whether, in the given situation of things, we could prudently neglect such grounds of conciliation, as were afforded in the Petition. A wish to conciliate being once evinced, there were other plans which merited notice. Among those, he could not but give the preference to that of the earl of Chatham. Nor was this influenced by any private motive; it would be vain and preposterous in him to insinuate that his connection with that noble earl was any thing but a political one. The disparity of their years rendered private friendship unattainable. He considered the earl of Chatham yet as the greatest ornament of the two Houses, in which he had shone with such unrivalled lustre; the most efficient servant of the crown, and while he had life in him, the nerve of Great Britain. A plan from such a man, that had been mentioned with approbation by one of our most ancient and respectable colonies, Virginia; that contained the real substantial points, without subtlety or refinement, which this country ought to aim at, was, in his opinion, the most eligible. The proposals held forth in lord North's motion, (divested of the insidious purpose under which they had been couched) would call for attention. To appropriate the trade revenue for the support of a colonial establishment, was judicious. It interested the people in the prosecution of their trade, and it taught them to inspect into the application of their monies. Other plans had been framed by persons in the other House, devised with ingenuity and wisdom; plans to the same purpose had been proposed without doors, which deserved attention; for it must be narrow-minded bigotry, which could suppose sense confined to the walls of parliament. But whenever ministry set about conciliation in earnest, they would find a very great difficulty in adjusting matters respecting the forces which were to remain in America. The late disputes had engendered violent animosities on both sides. Time only could abate the fervour of hatred, or meliorate dislike into esteem. The brown and red coats would not consort together hereafter, and not all the stratagems of government would make strife subside, and mutual amity prevail.

Talking, however, about plans of conciliation, when nothing conciliatory was meant, profited little. Ministry had predetermined on their measures, and parliament was only assembled to give them the colour of legality. The doctrine now advanced by those in office was, "that the money should be furnished before the mode of expenditure was ascertained." If ministers were questioned, as to the measures they intended to pursue, the answer returned was, "that the King had concerted his measures, but they were not to be divulged." Thus the hereditary counsellors of the nation were left to debate without information, or yield assent to measures inimical to the interests of the kingdom. Thus much only could be gathered: a most pernicious system of warfare was meant to be pursued: an army of 70,000 men was to be raised: Hanoverians had sailed for Gibraltar and Port Mahon. The three regiments destined to Quebec had been happily driven back into Milford-haven: had they proceeded in

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their voyage, they never could have reached their destination, but would probably have fallen a sacrifice to the rigour of the climate and a tempestuous season. Had it been necessary to send troops, they ought not to have been embarked at a season which rendered it impossible for the transports to reach St. Lawrence whilst that river was navigable. The noble lord at the head of the Admiralty had not been bred to the sea, consequently his negative availed little against the testimonies of many gentlemen in the marine department, who all concurred in declaring, "that the river St. Lawrence was rendered innavigable by the latter end of October, or the beginning of November."

With respect to the 20,000 Russians, his lordship addressed the ministers in the following terms: There are powers in Europe who will not suffer such a body of Russians to be transported to America. I speak from information. The ministers know what I mean. Some power has already interfered to stop the success of the Russian negociation. As for expecting neutrality from France, administration know that their conduct towards France hath not been such as to entitle them to acquiescence from that quarter. The landgrave of Hesse hath few men to spare. He passed the summer at Paris, which did not seem as if he was inclined to negociate with us for a subsidy. The elector of Hanover may have more men to spare than we have hitherto been taught to imagine.

But hiring foreign troops is not the only censurable measure. Such scandalous jobs have prevailed, as on repetition would put common honesty to the blush. Scarcely a single day has passed wherein I have not received several letters, some from private soldiers, others from officers, all of which have unfolded scenes of singular iniquity. The complaints against the fraudulent practices of the contractors and others who serve the army, are universal.

Nor are jobs barely sanctified: when they arise not naturally out of the business, an occasion is devised which will give rise to them. A most chimerical design was some time since on the tapis. It was proposed to send light horse to America. I had the curiosity to enquire into the origin of so absurd a plan, and I was told there was a precedent for the measure; though I was not informed who found the precedent, yet I very well knew of what profession he was. I was referred to lord Oxford's Letter to queen Anne. In that curious piece the noble lord ascribes his misfortunes to a job of this nature. The sum of 20,000*l.* was charged in an account for an ideal project of this kind. Lord Oxford exclaimed against the measure, but he was over-ruled by the Lord Chancellor, who roundly asserted, "that no government was worth serving, that would not let them make those advantages, and get such jobs."* How far the four last years of queen Anne's reign bear an exact resemblance to the present æra, must be left to the determination of the impartial historian.

The noble lord then called the attention of the House to a few matters of fact, which he said ought to prevail with ministry to discontinue their hostile measures, and conciliate while conciliation was left to their option. The army which was sent last year, and which it was then vainly boasted would look the Americans into submission, had not been able to look them in the face.

Attempts had been made to enlist Irish Roman Catholics; ministry knew those attempts had proved unsuccessful. The Canadians had been excited to take a part in the quarrel; they had wisely declined to interfere in the business. Ministers knew this to be undeniably true. The Indians had been tampered with. A trial of skill had been made to let the savages, in the back settlements, loose on the provincial subjects of Great Britain. Barbarous as was the measure, and cowardly as was the attempt, it had failed of the wished for success. Savage Indians were not quite so callous to the feelings of humanity as British ministers. Equally fruitless had all attempts to divide the colonies hitherto proved. America felt her strength only in proportion to her union, and the little paltry policy to multiply jealousies and create divisions, by guarding the colonists against insidiousness, had strengthened instead of weakening the great cement of union. Whilst thus defeated on the continent, at home administration had found themselves incapable of raising the number of men required. Recruits had not offered with alacrity; officers had not made voluntary tenders of their services; they in general disrelished the

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* For a copy of the Lord Treasurer Oxford's Letter to the Queen, dated June 9, 1714, see Vol. 6, Appendix, No. 4.

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business. Such reluctance in those who are to be instrumental in carrying on the measures, ought to operate with ministers; but if under all those disadvantages, war was still to be pursued, the catastrophe would be dreadful; "the cord with America once broken, there was an end of all hold of the funds." The scheme of separating from America, letting trade take its own course, was a wild and dangerous doctrine. He thought that ingenious speculations touching the inutility of custom-houses and regulations of trade, had better be left to our rivals. Our business was to adhere to practical rules which times and experience had established. We were not in a state to make experiments. The trade of America is mortgaged to our stockholders. It would be dishonest to touch it. The ministers ought to know this; and tremble at whatever hazarded the loss of our American commerce.

His lordship repeated, that if it was just to tax America, it was equally so to tax Ireland. That the latter was a much fitter object of taxation than the former; for if any position could be infallible, it was, that a colony could not be an object of revenue while it consumed our manufactures. This was the case of America, and not of Ireland. The quota from the latter was not adequate to its abilities, though the proportion was unequally distributed; the rich were spared, and the poor overburthened. The application of what was raised, so much to the oppression of the people, his lordship thought, would make a becoming subject of parliamentary enquiry and correction. He declared, that he had lived long enough to know that he should eventually gain more by the prevalence of general justice, than any private emolument could possibly compensate: and concluded with saying, that if ministers still persisted in measures which could neither be justified on the principles of policy or of liberty, he could only quote an old adage, which he was sorry their conduct verified: 'Quos Deus vult perdere prius dementat.'

Lord *Lyttelton* said, whatever insinuations might have been thrown out by the noble duke who opened the debate, he should never be prevented from performing his duty. He was always of opinion, and should ever continue so, that it was rebellion in any part of the British empire to resist the supreme legislative authority of this country; and the ministers who had exerted themselves so ably in support of it, had acted with perfect wisdom, and on the soundest principles of the constitution; that he was so well convinced of the truth of what he now advanced, that he could not attribute the opposition given to the just claims of the supreme power of the state, by several noble lords in opposition, to any thing but a profest design to surrender the rights of the British parliament, and transfer them to America. His lordship animadverted on the evidence given that day at their bar, which he should not hesitate to call a partial evidence; for with all the caution with which Mr. Penn guarded his expressions, he nevertheless betrayed, throughout the whole of his examination, the strongest indications of the grossest prejudice. He could even contradict him himself, upon a most respectable authority, a gentleman of his acquaintance, who possessed 10,000 acres of land in the province of New England alone, and who assured him, that the people of that province were full of a levelling, republican spirit, which would never be rooted out, till they were compelled to bow under the full force and weight of constitutional government, to which it was notorious they were so averse; that through the same channel he learned, they were no less hostile against monarchical government, than against the rights of the British parliament. While in the prosecution of this enquiry, he learned what had been often asserted by his Majesty's ministers, that numbers suffering under the tyranny and rebellious force of a faction, and the terrors of personal injuries or attacks on their property, had been compelled to unite in measures which their souls abhorred. For when he had proposed to this gentleman to be examined at their lordships' bar, he earnestly entreated to be excused; for the consequence of such an examination, as soon as an account of it reached New England, would be the total destruction of his property, and proscription of his person. This, among many other reasons, was one why he was induced to believe that Mr. Penn's evidence was partial; but supposing it had been otherwise, what was the purport of this day's motion, but that the acts of the parliament of Great Britain, its repeated addresses to the throne, his Majesty's own most solemn declarations, were to be superseded, in order to make way to the commands, not addresses, of the rebellious Americans? Those audacious rebels, who

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came and endeavoured to impose on his Majesty with insidious, traitorous, false expressions of loyalty to him, and of obedience to the British parliament, while they in the same breath appeal to the people of Great Britain and Ireland, abuse the parliament, deny their power, invite their fellow-subjects to make a common cause of it, and thus at once endeavour to involve every part of this great empire in one general scene of rebellion and bloodshed, in order to resist that very parliament for which they pretend to profess such perfect obedience and submission. Are these the men you would treat with? Is this the cause the pretended friends of this country would endeavour to defend? or would you, by agreeing with this motion, relinquish your domination over those worst of rebels, and tamely submit to transfer the seat of empire from Great Britain to America?

The Duke of *Manchester* reprehended the last noble speaker in very severe terms, for the improper liberties he had taken with such of their lordships as differed in opinion from him, by charging them with a design to surrender the liberties of their country to America: such imputations, he affirmed, were aimed at the freedom of debate: they were indecent; they were unparliamentary; they deserved the marked displeasure of the House; and he would venture to affirm, they were, as applied on the present occasion, not true. He said, however, he was not surprized at some of the circumstances attending his lordship's speech. They suggested occurrences, though not very unexpected, yet rather out of the common road; but however that might be, he would venture to assert, that his lordship's conduct on the first day of the session would not shortly be forgotten. His grace besides entered into a general view of the question, and made several observations on the folly of involving this great empire in all the certain expence and horrors of a civil war, without any one single advantage, now the claim of taxation had been relinquished as totally impracticable.

The Earl of *Effingham* observed on the scarcity of recruits, that from his own knowledge, there was a backwardness prevailed amongst the people to enlist in those regiments destined for America. The fact being admitted, the real disposition of the people was at once apparent, and the prevalent inclination of the mass of the people was a certain criterion, which should determine the conduct of ministers.

Lord *Cathcart* professed himself to be so totally unconnected with men, and so entirely unprejudiced as to measures, that could he conjecture the party most likely to promote the real welfare of the empire, he would join in support of their plans. Much had been said about peace, and the debilitated situation of Great Britain had been urged, to evince the necessity of a speedy accommodation. Admitting England to be in the worst plight imaginable, the noble lord recollected a period when her distresses were equal. Although many peers in the House might remember the rebellion in 1745, the noble speaker had at that time drawn his sword against the rebels. Their successes at Derby had thrown the kingdom into consternation: the whole interest of the country was assemblaged in one stake, and risked on the event of the battle of Culloden. Happily the casualties of war turned out favourable for England. But what contributed most to the welfare of the empire? The assistance so willingly afforded by all ranks of people. Ministry acquired vigour, in proportion as they were entrusted with power. A tone of firmness strengthened all their measures; and thus by one decisive stroke, England was snatched from destruction; the machinations of France were overturned, and the Pretender (a tool to France) was obliged to flee from that country, which he had been taught to consider as his patrimonial refuge. The same efforts of the people, in support of government, would at this time prevail. Ministry should be assisted, not impeded in their measures.

The Earl of *Sandwich* defended lord Lyttelton. He said whoever opposed the present system of measures pursued by administration respecting America, were in fact about to surrender the right of parliament to its rebellious subjects. He was the oldest peer in that House, at least the peer who had sat longest in it, and might of course be presumed to be pretty well acquainted with its orders and usages. He flattered himself he was, and could assure their lordships, there was nothing in the words but what might be fully justified; there was nothing in them deserving the severe animadversion made on them by the noble duke: for they were in every respect parliamentary, and consonant to the modes of expression adopted in that House. When the noble

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lords on that side tell the members of administration, that they are corrupt, incapable, or inattentive, that they have formed the very worst designs against the liberties and constitution of their country, we never on this side rise up to tell them that this is unparliamentary and indecent; no, we endeavour to convince them of their mistakes by defending ourselves and refuting their charges; and shall we in return be precluded from charging their lordships, not with an act of criminality; for I contend that the words may otherwise be fairly and obviously explained. I may tell any noble lord in this House, that he is surrendering the rights of parliament, while I directly acquit him of any such intention. I shall never stand by and hear such a doctrine maintained, without endeavouring to detect its fallacy. I therefore think, so far from reprehension, the noble lord deserves commendations and thanks, both from your lordships and his country, for so ably defending and asserting the rights of the British parliament, and the supreme legislative authority of the mother country. I think I never before heard such a speech delivered by any body, and I am proud to testify my perfect approbation, by affirming, it was the finest ever delivered within these walls. His lordship observed, that the noble lords in opposition might be very sincere. They might imagine, that the only method to secure the power and grandeur of Great Britain, would be to render America independent; but he hoped their lordships would excuse him from supposing that their zeal, however genuine, had hurried them such extraordinary lengths, or into such a scene of obstinate and invincible error: and permit him to attribute those extravagant doctrines to their true cause, a mere struggle for power. He was sorry to say, they had proved too successful in their endeavours, and by the unnatural encouragement they had given to the absurd monstrous claims of our rebellious subjects in America, had made what first must have been the inevitable consequence of unanimity, now appear, if not hazardous, at least difficult, alarming, and expensive. Such a struggle might attain the main object for which it was set on foot; but he begged leave to remind their lordships, that although they should prevail, and thereby supplant the present administration, they must take such a victory with all its consequences; they must at once render up the rights of this country into the hands of the colonists; they must disgrace and lower it in the eyes of all Europe; and, to complete the whole, they must consent to the total destruction of its commerce. His lordship next animadverted on the language of the noble lords on the opposite side; that Great Britain, as the first step towards a conciliation, should determine on certain specific terms which she is willing to agree to. Let us, said his lordship, see what this language means. I dare say there are many noble lords in this House, who have served his Majesty abroad in the capacity of foreign ministers: I think I see several this instant myself. I believe the noble duke who made the motion was among the number, and has of course some knowledge of the arts of negociation: I shall therefore trust to their knowledge of what I am about to offer on this head. Supposing then, that Great Britain and America were two sovereign independent states, treating on equal terms: what is the mode that custom prescribes in such cases, but that certain preliminaries are first agreed on, and then a suspension of arms takes place? What is it that is contended for by the present motion and by its supporters? Begin with a suspension, and then proceed to treat on preliminaries. This, surely, is a new mode of negociation, such a mode I will venture to say, as never entered into the head of any man in the least acquainted with public business. I would therefore seriously recommend it to the broachers of this species of treaty making, either to peruse proper books before they again expose themselves on that subject, or procure some of their literary friends to publish something in its defence. Besides, let us apply this doctrine to the case immediately before us. America is not entirely prepared to resist our power; or if she be, she is still desirous of rendering herself stronger. Suspend your operations, and you furnish her with the very means of rising in her demands, if not of totally disclaiming all dependence on this country. This I look upon to be the fair natural consequence of what has come recommended by the noble supporters of this motion. When I had the honour of being an instrument employed in restoring peace to Europe at Aix la Chapelle, in 1748, I own I acted in a very different manner from that now recommended. The first step I took, was to agree on certain preliminaries, previous to a suspension of arms. Those preliminaries were, that the Rus-

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sians on our part, who were on their march to join us, should halt in the place that the earliest courier should be able to meet them. On the other hand, France was at the same instant obliged to disband 37,000 of her troops, a force supposed to be equal to our Russian auxiliaries. Again, we were to give up Louisburgh, and they to withdraw their troops from four of the frontier towns, which they had in the course of the war acquired by their arms. I remember a circumstance which happened then, not inapplicable to the attempt made this day; that was, to grant the suspension, and permit them to retain the frontier towns till an actual account of Louisburg being delivered up was received. But I was too cautious, and by resisting the proposition in its first appearance, was fortunate enough to succeed, though the whole negociation had like to have miscarried, for certain secret reasons which I am not permitted to disclose; and must have done so, if a peace had not, as it were, at length fallen from the clouds. The noble earl (of Shelburne) has misinformed your lordships, I will not say designedly, on three material points. He says, the river St. Lawrence is frozen up in October. I contend, it is not; and that, on the authority of one of the ablest navigators this country ever bred, sir Francis Drake himself not excepted. The person I mean is captain Cook, who passed four winters in Canada, and assures me, that the river St. Lawrence is very seldom frozen up till the middle of December; and that the inconvenience of navigating that river and the neighbouring seas, previous to the time I have mentioned, does not arise from the setting in of the frost, but the heavy gales from the north and north-west, which are the monsoons of that part of the world, and set in early in the winter months. His lordship is, I believe, equally mistaken as to the fact to which his reasoning on the above occasion was applied. Who informed his lordship, that the regiments alluded to were destined for Quebec? I now assure him, they were not. As to the third allegation, that the army in America was to consist of 70,000 men, and that 20,000 of them were to be Russians, he thought he knew something of what was intended; but he could solemnly affirm, it was the first he had heard of either arrangement. He however saw no reason why the Russians should not be employed as auxiliaries now, as well as in the war alluded to. If they were necessary then, they might be so now. The noble duke who opened the debate, insisted that the very expence of carrying the 20,000 Russians to America would amount to 500,000*l*. He did not doubt it; but if they were to march by land, it would be much more expensive.—He should beg leave to obviate the force of one plausible objection urged by the lords in opposition, relative to the difficulty of obtaining recruits. He could not answer for what might happen without his own department, but he believed the facts he was going to state applied equally to both services. Since the orders for augmenting the navy had been issued, they had seamen coming to enter themselves as fast as they could be well shipped; by the last accounts he received, they amounted to between 20 and 21,000; and he made no doubt of his being able to complete the whole 28,000 without pressing. The marines he had been equally successful in, the returns being on an average of 80 men per week, some 120, and the lowest 45. So far, then, from the vulgar report, that the people in general were averse to the service, nothing could be more erroneous: they languished for it, and, were it necessary, he could produce numerous applications for an appointment on the American station, arising purely from a zeal to be instrumental in reducing those unnatural, ungrateful, and traitorous resisters of the mild government of their most gracious sovereign, and the constitutional rights and supremacy of the mother country.

The Earl of *Shelburne* said, that as to the general charge of misinformation imputed to him by the noble earl, he thought his lordship would be one of the last who would venture to touch on that ground; because if he, and the noble lords on the same side, were mistaken, it was the fault of the noble earl, and his brethren in office, who compelled them to go to the other House to seek information, or pick it up wherever they could find it; by withholding from them every degree of parliamentary communication whatever. That 70,000 men were to be employed, was no idle, floating report; for it had originated with the first lord of the Treasury in the other House; and as to the river St. Lawrence being not frozen up till the middle of December, he would not be certain whether his general information did not include early in the month of November;

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stating it on that ground, therefore, he was certain that the person from whom he had his information would yield to none in point of experience and judgment. His lordship was severe on the noble earl, for thrusting the negociations of the peace of Aix la Chapelle into the debate. He imagined his lordship's modesty in one event, or his prudence in the other, would have prevented him. It was very tender ground to venture on, because whatever opinion his lordship and his admirers might entertain on that curious business, there were many odd kind of people at this day, and a great majority of the nation at the time of the concluding that famous treaty, who thought the delivering so many British peers hostages to ensure the faithful performance of a treaty, was at once a scandal to the nation, a violation of the dignity of the peerage, and a stigma on the proposers of such a measure, which nothing could ever wipe off. His lordship replied to the representation of the noble lord, relative to the success that had been experienced in procuring seamen and marines, which he attributed solely to the decline of our trade and commerce, that had driven so many seamen out of employment; that the officers of the navy were not languishing for the service, he referred to the advertisements from the board of Admiralty, desiring the officers to furnish the board with an account of their places of abode, and threatening, in case of refusal, to strike them off the list. On the whole, he said, that as the treaty of Aix la Chapelle, to borrow his lordship's words, fell, so must the peace of this country, on the present melancholy and alarming occasion, fall—from the clouds.

The Earl of *Sandwich* said, he should not observe on the word 'scandalous' used by the noble lord relative to the giving hostages, for the due performance of the treaty of Aix la Chapelle, for he perceived the noble lord who had used that very improper expression was already sorry for it; and so little did that transaction deserve to have the epithet scandalous applied to it, that it was the action of his life from which he claimed the greatest merit; to which he begged leave to add, for farther confirmation, that there was a noble lord now present, (lord Cathcart) who had been one of the hostages, and whose conduct through his whole life, both public and private, had to every one's knowledge, been so full of prudence and prosperity, that nothing would have prevailed upon him to have accepted a commission of that sort, without the strongest conviction that it was necessary to the essential interests of the nation, and consistent with her honour, as well as his own dignity as a peer.

The House divided: For the motion 27; Proxies 6; Against it 60; Proxies 26.

Debate in the Commons on raising the Land Tax to Four Shillings in the Pound.] Nov. 13. The House being in a Committee of Supply,

Lord *North*, after briefly stating some of the public accounts, spoke of the necessity of quelling the disturbances in America, remarked on the expence of this measure, and then on the propriety and expediency of applying to the landed gentlemen for their support, at a time, when the other resources of the state were incompetent to the purpose. He therefore moved, That the land-tax for 1776 be four shillings in the pound.

Sir *Joseph Mawbey* said the American war was unnecessary and wanton; and it was difficult to determine whether it was most founded in folly or injustice.

Mr. *J. Johnstone* said, that however unacquainted he might be with parliamentary proceedings, he had observed, since the commencement of the present session, it was expected by the friends of administration, that no proposition of theirs, however wild, extravagant, or novel, should be questioned. This to him was a most extraordinary procedure, nor could he see to what end parliament assembled, if they only assembled to vote, not to deliberate. He hoped, however, for the sake of appearances, that the minister would stand forth, when he came to demand the public money, and tell the House to what purposes he really meant to apply it.

Sir *George Yonge* moved an amendment, that it should be three shillings instead of four.

Mr. *Sawbridge* said, though the land-tax was a tax the easiest collected, and gave the minister the least influence in its mode of collection; yet no consideration of convenience could balance, what he felt on the present occasion, when not only the treasure and blood, but the honour of the nation were sacrificed, to the traitorous and despotic designs of a junto, carried into execution by the most unprincipled prostitute tools that ever disgraced this country.

Mr. *Vyner* said, he had hitherto sup-

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ported the measures of the minister respecting America, though he condemned the introducing foreigners into any part of the dominions of Great Britain, without the previous consent of parliament. Standing thus affected, when the motion for the recommitment of the Address was made, as he approved of the great line sketched out in the Speech, he found himself under a necessity of voting for that measure. The vote, however, he gave on that occasion, was a conditional one; it was on the supposition that a Bill of Indemnity was to be brought in, in order to legalize that unconstitutional manner of introducing those troops. In a few days after, a Bill of Indemnity was brought in, and read a first time, and ordered to be read a second time; but a fortnight had since passed, and he never heard a syllable more concerning it. His reason for rising was, to assure the minister of his support, and cheerfully to agree to the proposed resolution, provided his lordship kept his word with his best friends. He begged his lordship to tell him whether the Indemnity Bill was in being, or whether it had been starved or stifled, or had its throat cut in the cradle, which in his opinion would be cruel, as he had understood since it came to be first mentioned, that he was pleased to own it for one of his own children.

Lord *North* replied, that the child he seemed to be so solicitous about, was safe from all the accidents he affected to dread so much; and he would move to-morrow to have the Bill read a second time.

Sir *William Wake* observed, the minister comes with a Bill in one hand, and tells you very seriously, that he has framed it, he has presented it, but when it is past, it will signify no more than so much waste paper; for it is granting a pardon for no crime; and indemnifying a man against his inclination and his judgment.

Lord *North* said he never sought to shield his public conduct by an act of parliament; and the more so on the present occasion, because he entirely relied on the purity of his intentions. Other gentlemen, however, happened to be of contrary sentiments, to whose opinions he wished to pay every reasonable degree of respect. It was to meet the ideas of those gentlemen he took upon him to frame and support such a Bill; and he was resolved to do all in his power to carry their ideas into execution.

Mr. *Byng* congratulated the country gentlemen on the additional shilling land-tax, as the first happy fruits of American measures.

Mr. *Hartley* said, that it required but little foresight last year, to prophesy as he had done, that if the ruinous system of American measures continued, our land-tax must be raised to four shillings. He wished that his present fears might prove in the event less well-founded, but he saw no probability of the land-tax being ever reduced below four shillings. Instead of the promised revenue from America, we shall find a perpetual mortgage on our land, to pay for unjust and ill-executed measures. It requires but a very slight accumulation of debt, a very trifling loss upon the revenue, to make a three shilling land-tax with the sinking-fund insufficient for the ordinary peace establishment. The land tax at three shillings added to the annual malt-tax, produce net about 1,900,000*l.* The sinking-fund, upon an average of seven years, about 2,500,000*l.* The profit upon an annual lottery 150,000*l.*; altogether making about 4,550,000*l.* The annual rate of expence from 1768 to 1774, upon an average, including the annual increase of the navy debt, has been about 4,150,000*l.* As soon as the difference between our annual income and our annual expences, which is but about 400,000*l.* is lost by falling off of the revenue, or swallowed up to pay the interest of the enormous debts which are now contracting, it follows unquestionably, that we must require the additional shilling upon land, to support even the peace establishments, which we have hitherto mentioned. As a foretaste of the losses to be expected in the revenue, one branch is gone; the revenue on tobacco. The produce of that is nearly 300,000*l.* besides all the profit of the trade and commission. This cuts deep into the 400,000*l.* surplus just now stated. How many times 300,000*l.* may be cut off from the revenue, when the fatal influence of these measures come to be felt, in every branch, and throughout the whole circuit of our commerce, should be matter of the most alarming apprehension. In the next place, for the debts that we are so blindly contracting, they will probably be kept out of the public sight as long as possible, but they must come out at last. The navy debt immense. The transport service perhaps greater than at any period in the late war. And for the army extraordinaries, if we are to maintain an immense army, at the distance of 3,000 miles, to be supported

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with every necessary from hence, who can say what proportion they may bear to any case hitherto experienced? Over and above all these losses upon the revenue, all debts contracted, and to be contracted, which must be supplied with the perpetuity of the four shillings upon land, another annual charge has been announced by the noble lord—a proposed augmentation of the civil list. Why are ministers so obstinately bent to plunge this nation into inextricable perplexities and boundless expence. Even upon the ground of the interested views of administration, if the considerations of humanity and justice have lost all influence with them, let them chuse deliberately, whether they prefer the waste and ruin of the public revenue to procure the destruction of their fellow subjects; or, whether they will cultivate the good-will of the people of England, by providing those proper resources, by which, without oppressive burdens or the prospect of bankruptcy, they might be enabled, upon suitable occasions to be ready to testify their affections to a gracious sovereign. The continuance of the American war, and its consequences, must defeat the possibility of any perpetual augmentation of the civil list.

Mr. *Baldwin* said, he had always understood, the dispute with America, was for a revenue to be raised there to relieve the country gentlemen; but having since heard, that the idea of taxation was given up, he thought it was improper to expend any more money in the contest, and therefore should be against the noble lord's motion.

Lord *North* said, the hon. gentleman, who supposed the sinking-fund would in the course of the year 1776, be anticipated 700,000*l.* was egregiously mistaken. The hon. gentleman had pointed out how much more meritorious it would be to pay his Majesty's debts, than squander away the national treasure in acts of such a nature as would make the most obdurate feel and tremble. He suspected the hon. gentleman was as ignorant of the true disposition of our gracious prince, as he was of the nature of the dispute, which he called a wanton effusion of blood. I will tell him then, continued his lordship, that his Majesty, like the true father of his people, more zealous and anxious for their interests, their reputation, and their honour, than his own, has foregone every private consideration; he has kept back his own wants, in order to make room for those of his country. Instead, therefore, of reminding parliament of his very urgent necessities, he has only desired it to take care of the general interests of his subjects and their own honour; carefully avoiding so much as to hint at his own wants till the great national objects shall be first adjusted. The hon. gentleman seems to affirm, with great confidence, that the Virginians are determined to turn their tobacco plantations into corn grounds. I beg leave to differ from the hon. gentleman, and that from authority on which I can depend. They are not so infatuated as to forego the singular advantages they enjoy from this very beneficial trade. He says, the mother-country reaps much the larger part of the gross proceeds. In this, he is equally mistaken; for, from the best intelligence I have been able to gain, I find, that the profits are divided in the proportion of seven to America, and three to England. He likewise exaggerates the duties upon tobacco, much beyond their true estimate; for, by the latest return, the duty in England amounts to 240,000*l.* per ann. and in Scotland, to 20,000*l.* per ann. Another hon. gentleman is afraid the idea of taxing America is given up. It is true taxation was the original question with America, but now the dispute is much higher. Still he had not a doubt but some mode would be adopted by which a contribution would be obtained from America and brought into the public treasury here. When his Majesty's ministers said, that the idea of taxation was abandoned, they never intended by that expression more, than that it was abandoned for the present; that is, that taxation was but a matter of secondary consideration, when the supremacy and legislative authority of this country was at stake. When, therefore, his Majesty's ministers spoke in the general terms above alluded to, I would have my hon. friend perfectly understand, that taxation is not nor ever was out of their view.

Mr. *Baldwin* said he was satisfied with this explanation.

Governor *Johnstone* was for lord North's motion, because having voted the services, there must be money for their support, and the land-tax he thought the best, it was the only increased tax that was ever remitted, whereas raising money in any other mode has ever been found to be a perpetual tax.

Mr. *T. Townshend* was for the motion, for the same reason; that as the army and navy were voted they must not be

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starved. He observed that the American war would involve the ministry in so many debts the additional shilling would never be taken off.

Sir *George Savile* said, he was astonished to hear such ministerial language, for the first time, as had that night fallen from the noble lord at the head of the Treasury; that a vote upon one occasion should bind in every possible instance that might arise. Such a language, he insisted, was unparliamentary. For instance, there were many gentlemen, who at the first blush of a business, might have hastily agreed to measures of coercion, who, when they came to consider the consequences, might be very ready to retract, and be glad to return to the right path. His general sentiments were well known; he abhorred the idea of robbing the Americans of their liberty; but supposing he had first been of a different way of thinking, when he came to support measures with his purse, when he came to give the only true test of his sentiments, he might probably alter his opinion; and whatever the current language might be of a disinclination to burden their constituents, he believed it was one of the most wholesome and constitutional checks on the representative, that when he bound the represented, he at the same time bound and taxed himself. He said besides, that this method of voting money for services unknown to the House, or at least on which they had no substantial controul, furnished ministers with opportunities of bribery and corruption, which were to the last degree fatal and ruinous in their consequences.

Lord *North* rose to contradict what he termed a most ridiculous and absurd assertion; the King had his revenue, the several departments had theirs; and though it was impossible in the nature of things, to check them immediately, yet the ensuing session, when the several accounts of the preceding one were made up, any gentleman was at liberty to examine them, to detect errors if there were any, and to call the ministerial officers in their several departments to account, and if proved guilty of malversation in office, to bring them to condign punishment.

Mr. *Innes* said, he was for the 4*s*. land-tax, as it did not affect him.

Sir *Joseph Mawbey* thought what fell from the last hon. gentleman deserved the attention of the House. If he was not affected by the land tax, he should be glad to know where his qualification was?

The House divided upon the amendment. For it 47: Against it 182. The main question was then put, and agreed to.

Debate in the Lords on the Duke of Grafton's Motion, respecting the British Forces in America.] Nov. 15. The Duke of *Grafton** said he should move an Ad-

* "It was not difficult to foresee that the late unexpected conduct of the duke of Grafton would occasion, at least, one remove among the great offices of state. It was, however, accompanied with some which were not publicly thought of. Whether the unhappy state of American affairs had disgusted the earl of Dartmouth with the office of conducting them, or that government imagined a more austere and inflexible character, with their natural concomitant a determinate conduct, were necessary to restore peace and order, however it was, that nobleman now quitted the American secretaryship, and received the privy seal, which had been held by the duke of Grafton.

"The arduous task of conducting the American department was reposed in lord George Sackville Germaine. The principal attachment of that noble lord had been to Mr. Grenville. After Mr. Grenville's death, indeed, he continued for some time firm on his former ground; and did not join in that defection from the minority which immediately followed that event. But he began at length to slacken in opposition. He fell in with administration in the proceedings against the East-India Company in 1773; and took a full and decided part in all the coercive measures which had been pursued against the Americans, during the present troubles. His connections with Mr. Grenville probably made him support with more zeal and steadiness the highest claims of parliamentary authority; and as he was generally esteemed a man of business, and an able debater, he was sought for at a time, when the extraordinary powers in the same line, upon the other side, seemed, notwithstanding the superiority of numbers, not a little to distress administration. It will not be conceived, that this appointment strengthened the hope or increased the satisfaction of those who held the opinion, that conciliatory measures could only bring the present troubles to a speedy and happy conclusion.

"At the same time, the earl of Rochford having retired from public business, was succeeded as Secretary of State for the Southern department by lord Weymouth, who had continued out of employment since his resignation on the affair of Falkland island. And a few days after, lord Lyttelton, who had been distinguished at the opening of the session by the severity of his strictures upon administration, was called to the privy council, and appointed Chief Justice in Eyre beyond Trent. Lord Pelham was also appointed to the great wardrobe, and lord Ashburnham, Keeper of the Stole." Annual Register.

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dress to his Majesty, humbly desiring, that his Majesty would give directions to the proper officer to lay before that House an account of the number of forces serving in America previous to the commencement of hostilities. He explained the reasons upon which his motion was founded; and said, he thought such a motion extremely necessary at this time, when not only the nation at large was kept in such profound ignorance, but even the ancient hereditary council, his Majesty's great constitutional advisers, knew no more of what measures were intended to be pursued than they did of what was transacting in any foreign cabinet in Europe. He reminded their lordships of his sentiments on a former occasion, relative to the nature and extent of the information; that he did not want to know the detail, nor the particular means intended to be employed to give their measures success. He did not want, in short, cabinet information, but such as was fit and safe for ministry to disclose, and necessary for parliament to know, in order to direct them in their future deliberations. We know, said his grace, that an army was voted last session; we know that an army, such as it was, commenced hostilies; we have heard, by common report, that considerable reinforcements have been sent since that period: we have been informed, through the same channel, that the troops met with a severe repulse in their first attempt to subdue the natives, and that the second, in which there was a kind of trial of skill and courage, was not in its consequences far short of an open defeat. We do not want to be told, that from that last action to this instant, the royal army has remained cooped up in the town of Boston, mouldering away by sickness and famine, and almost daily waiting for its fate, that of being destroyed or made prisoners by a force infinitely superior in point of numbers and strength. In such an alarming crisis, what are we to do? The noble lords who have the direction of his Majesty's councils have ingenuously confessed, that they have been deceived. Apologies of various kinds have been made: explanations have followed those apologies. We have been told of ill-founded information, false reasonings, mistaken conclusions. Oblique censures have been thrown out upon the commanders both by sea and land. Now, my lords, in such a state of darkness and uncertainty, such charges, such blunders, such mistakes, such imputed negligence or incapacity, or both, I would humbly submit to your lordships' judgment, whether the motion I am about to propose be not a most necessary one; not as a retrospective one, implying the least degree of censure, but merely cautionary, in order to prevent a return of the same fatal evils. I repeat again, that I do not desire to know the number of men voted with an intention of comparing the estimate with the returns; nor to enter into any enquiry directed to have the wrong information, by which ministers have confessed themselves deceived and misled, traced to its source: all I wish to know is, that general state of things, and those facts, which, while it will warn us of the difficulties we have to encounter with, will at the same time point out the best means of obviating or surmounting them. That can never be effected so well, as by learning the true state of the force preparing against us; comparing it with our own abilities and immediate resources, and on the whole coming to such mature resolutions, respecting future measures, whether of coercion or conciliation, as may be best suited to the dignity, national justice, and permanent interests of this country. His grace concluded with moving, "That an humble Address be presented to his Majesty, to desire, that he will be graciously pleased to direct the proper officers to lay before this House, the state of the land forces in North America, according to the last returns, which preceded the commencement of hostilities there in April last, specifying as well the numbers of officers and men effective and fit for duty; as also their distribution at that time, with the numbers stationed at each post; and likewise the numbers of land forces, both of complete regiments, of drafts from other corps, and of recruits sent to America since that time from different parts of the King's dominions, specifying the dates of the different orders for each separate embarkation."

Earl *Gower*. I rise thus early to give a direct negative to the motion; because his grace has manifestly proceeded on a mistake. He supposes this country in a state of absolute tranquillity, whereas it is confessedly in a state of war; disclosing, therefore, our plans of military operations, might be productive of the worst consequences. I have it from an officer of eminence on the spot, that whatever measures are determined on at this side the water, are known in the rebel camp much earlier than any account of them reaches the

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King's army. What, then, will be the consequence? But that whatever information may be brought to light by this motion, and several others which I dare say will follow, if it should meet with your lordships' approbation, the rebels will be apprised of. The plans we intend to pursue will thereby be made known, and the provincials furnished with the readier means of defeating them. Besides, I cannot see what possible good this motion can answer in any light, even in the strictest conformity to the sentiments the noble duke declares to profess, unless he makes it a leading question to a string of propositions of a similar nature, tending to lay open the species of information which, as one of his Majesty's ministers, I look upon myself bound most strenuously to withhold. But, my lords, if I have very cogent reasons for opposing the motion singly on the ground I have now stated, I have still stronger motives for opposing it on principle; I mean the dangerous precedent it might establish in the further progress of this important business, that of the legislative forcing itself, and breaking in on the executive power; a mode of conducting business, which if it should ever prevail, will totally obstruct the measures of government. On the other hand, if administration is supported by the confidence of parliament, by a proper dependence and reliance that the powers entrusted to them will be exerted with suitable ability and fidelity, I make no doubt, from the present disposition of a great number of people in that country, who want only to be protected to openly avow themselves the friends of Great Britain, that this arduous affair will be finally brought to a fair, happy, and honourable issue.

The Earl of *Dartmouth* was against the motion. That now, when it could be no longer doubted that we were in an actual state of war, to have the strength, number, and destination of our troops laid open to the Americans, was such an idea as he could not have thought possible for any noble lord in that House so much as to conceive. He confirmed the assertions of the noble earl who spoke last, that every fact or information called forth by this motion, would be instantly transmitted to America, and would consequently teach them to rise in their demands on one hand, or cause them to take such measures of resistance as would be most effectual towards defeating whatever might be determined on in this country. He observed, if the duke's motion was intended to reach no further than it professed, it might be answered with great safety, and with very little trouble. The number of effective men in each regiment was well known; the number of battalions was 17; there were upwards of 300 sick in the hospitals, and about 800 non-effective, which two last items deducted out of the returns, supposing them to be complete, would give an exact amount of the troops previous to the commencement of hostilities. There were some detachments out at the time, but they were not very considerable; so that the whole of the force, at the time the noble duke's motion pointed to, might be very easily ascertained.

Lord *Camden*. The noble earl in the blue ribbon, (earl Gower) and the noble earl who spoke last, seem to oppose the present motion on two grounds; first, as it may be the means of giving intelligence to the provincials; and secondly, as this motion, should it receive your lordships' approbation, may be productive of several others directed to the same object. I heartily approve of their lordships' caution and foresight; for I believe that their lordships' fears are well founded. I dare say the noble duke, should he carry his first point, does not mean to rest his enquiry there, and proceed no further. I rather think he will go on: I am sure the present situation of affairs, both in England and America, requires that he should. The noble lords have talked of the accounts of measures agreed on in this country, being so early known in the rebel camp. I should be glad to know what species of information their lordships allude to. They will not say it is parliamentary information, because no rebel camp existed at the time we last sat here, at least, so as to reach it any considerable time after parliament rose. If it be cabinet information, that is a matter we are, it seems, to have nothing to do with. But there is something extremely curious in another part of this argument: the noble lords in office tell you, that by giving an account of the number of troops in Boston and its neighbourhood, previous to the affair at Lexington, we shall furnish the rebels with intelligence of a very dangerous nature. What! Surely not, if the rebel camp be so very well informed; much less so, if the enquiry goes only to a point, I suppose well known to every man this instant within the province of Massachuset's Bay. The noble earl, so

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lately one of his Majesty's secretaries of state, has informed us, that we are in a state of war, that secrecy is of course necessary. I deny that we are. Peace is still within our power; nay, we may command it. A suspension of arms on our part, if adopted in time, will secure it for us; and I may add, on our own terms. From which it is plain, as we have been the original aggressors in this business, if we obstinately persist, we are fairly answerable for all the consequences. I again repeat, what I often urged before, that I was against this unnatural war from the beginning. I was equally against every measure from the instant the first tax was proposed to this minute. When, therefore, it is insisted, that we aim only to defend and enforce our own rights, I positively deny it. I contend, that America has been driven, by cruel necessity, to defend her rights from the united attacks of violence, oppression, and injustice. I contend, that America has been indisputably aggrieved. Perhaps, as a domineering Englishman, wishing to enjoy the ideal benefit of such a claim, I might urge it with earnestness, and endeavour to carry my point; but if, on the other hand, I resided in America, that I felt or was to feel the effects of such manifest injustice, I certainly should resist the attempt with that degree of ardour so daring a violation of what should be held dearer than life itself, ought to enkindle in the breast of every freeman. Here, my lords, I speak as an American, or as one residing in America, who, finding himself deprived of his liberty, and his property attacked, would resist, and with all his might repel the aggressor. On the other hand, as living in this country, and subject to the laws of it, I always have, and I hope always shall, pay a proper obedience to them. But, my lords, pursuing the ideas of a native American, or a person residing in that country, what must be the sense they feel of the repeated injuries that have for a succession of years past been heaped on them? To have their property, under the idea of asserting a right to tax them, voted away by one act of parliament, and their charters, under an idea of the supreme authority of the British legislature, swept away by another vote of parliament. Thus depriving them, or rather claiming a right to dispose of every single shilling they are worth, without one of them being represented by the persons pretending to exercise this right; and thus stripping them of their natural rights, growing out of the constitution, confirmed by charter, and recognized by every branch of the legislature, without examination, or even without hearing. I will fairly appeal to your lordships, if there be one among you who could submit to such intolerable oppressions; nay further, if you would not all unite as one man, were you in such a situation, to oppose the execution of so lawless and unjust a power. I do not mean, my lords, to go through the whole of this business. I reserve that for some future day: I dare say I shall have many opportunities, and I pledge myself to your lordships, on that day, that I will prove Great Britain has been the aggressor; that America has only acted on the defensive, and that were I an American, and wanted a proper sense of the injuries attempted to be exercised towards me, that I should only think them justifiable so far as I wanted spirit to resist, and was conscious to myself, that I was undeserving the enjoyment of any privilege, that I was mean, cowardly, or abject enough to tamely relinquish.

Lord *Lyttelton*, after objecting to the motion, on the ground that it would be the means of conveying information to the rebels, remarked with some severity on the conduct of the noble and learned lord who spoke last. But if the present motion be objectionable, on the ground it now stands, unconnected with any other, how much more strongly ought you to resist it, when the learned lord informs you, that it is to be followed by several more of a similar nature. This being clearly the real intention of the noble duke who made the motion, I trust, if any doubt remained relative to the confined view of the question, as it simply stands before your lordships, that this information will be a sufficient motive with you to reject it in the first instance. The noble and learned lord, digressing from the question immediately before us, entered into a general view of matters of a much more important and weighty nature. His lordship tells you, that parliament were the first aggressors; that the Americans are indisputably aggrieved. Is this, my lords, a language fit to be endured within these walls? Are you to suffer the Acts of the British legislature, declared by the King, Lords, and Commons, to be branded with almost every opprobrious term that can possibly be conceived? The noble and learned lord tells you, that the parliament has

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acted unjustly, oppressively, nay tyrannically; that the Americans are justified in their resistance; that if he was an American, or resided there, he would be one of the first to resist. I will venture to affirm to your lordships, that if he was there, he could not effect the thousandth part of the mischief, we may fairly presume, what he has said this day will produce; for you may rest assured, that there is not a syllable of his speech that will not get into the news-papers, and consequently make its way to America. They will in those accounts find the speech of a most learned and eminent lawyer, famed in his profession, confirming them in every sentiment of rebellion and resistance to the authority of the mother-country. They will find the legislature of Great Britain charged with tyranny, oppression, and usurpation. They will find themselves branded as cowards, poltroons, and tame, abject slaves, unworthy of the liberties they enjoy, if they do not resist. The noble and learned lord, while he sets up to be so strong an advocate for liberty, says something I do not well comprehend, unless it be with a view still the more completely to blacken and vilify this country. His lordship tells you, as an overbearing and domineering Englishman, he should like to triumph and trample on the liberties of America. I do not pretend to exactly say what his native impulses may be in that respect; but I will venture to assert, that he thinks very differently from the majority of this House, and the majority of this nation: neither of which want to invade the rights of America, much less trample on its liberties. The noble lord says, in the same breath, that, as an American, he would resist such an invasion. But as it is not the intention of Great Britain to do the one, so I trust she will never desist, till she obtains a full and complete obedience and submission to the exercise of her constitutional power. On a former occasion, having only said that those who were for supporting the unnatural claims of America, were in fact surrendering the rights of the British parliament into the hands of our rebellious subjects; I remember I was called to order, and severely reprehended by one or two noble lords on the other side. In my opinion I was substantially right; but allowing it to be otherwise, how much more blame-worthy is it for the learned lord to rise and condemn acts of parliament, the laws of the land, and the constitutional sense of the whole nation? I trust, the noble and learned lord already sees the impropriety of his conduct, how very unparliamentary it is, how disrespectful to the body of which he is a member, how injurious to parliament at large; but above all, that he will think of the consequence, and in time retract his words; otherwise he may be assured, those mischievous expressions will shortly be echoed through all the papers, and be wafted over the Atlantic to rebellious America by the first conveyance. Should the noble and learned lord refuse to retract, I shall be in the judgment of your lordships, whether or not, to avoid the consequence I have pointed out, he should not be obliged to explain himself, according to the usual and established mode of parliamentary proceeding.

Viscount *Dudley*. I think the noble and learned lord has transgressed every rule of debate I ever remember to have seen observed in this House. Not satisfied with condemning the measures of administration in general, he tells you very plainly that America has been oppressed, and Great Britain are the aggressors. He contends that resistance is justifiable, and that our ultimate views are views of tyranny and despotism. This, I confess, is speaking pretty plainly; but I presume his lordship does not mean by such palpable misrepresentations, to persuade us to adopt his opinions. On the contrary, I am satisfied, that America, in this contest, only aims at independence: and that every concession we may be induced to make, will only lay a foundation for new claims. Much stress has been laid by the noble lords on the other side, that should our present disputes with America be spun out to any length, our manufactures must be ruined. Now, my lords, I must inform you of two facts; one is, if that were the case, no person would feel the effects sooner than myself; the other, that nothing of the kind has been hitherto felt, at least in my neighbourhood, which is deeply concerned in the American trade. I live in the midst of a great manufacturing country, the trade of which depends a great deal upon their intercourse with America; and yet, I can say, from the best information, that no stagnation in any of the great manufactures has been yet felt. It is true, a want of employment among the nailors may possibly be a consequence of our present disputes with America; but if it should, I trust admi-

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nistration will devise some mode of alleviating the miseries of men manifestly suffering in the cause of their country.

The Duke of *Richmond*. The noble lord who spoke last has at length confessed that the effects of our American war begin to be already felt, particularly among the nailors. It is not many days since the same noble lord assured us with great confidence, that the manufactures in his neighbourhood were in a most flourishing state; that the people were fully employed; and that new channels for disposing of the commodities formerly sent to America were happily opened. What does his lordship now tell you? that a stagnation at least in one branch has commenced, and very modestly desires administration to devise some means of compensating the sufferers. This, I must own, has to me a very odd sound. We have already voted 4*s*. in the pound; our manufactures are on the decline, that must of course create a deficiency in the funds; the manufacturers will want employment, and something must be done for them. I think your lordships ought to consider this matter in a very serious light before you proceed a step further. The noble earl lately in office (lord Dartmouth) told us the last day we met here, that it was the fixed resolution of administration to adopt conciliatory measures. Now, what does he tell your lordships? That we are in a state of war; that secrecy is the life and essence of such a state; that we should studiously conceal what every body knows in one instance, and withhold secrets from this House long since grown stale in the rebel camp. The principle which seems to direct the policy of the noble lord, is no less worthy of animadversion. He has no information himself, his friends have none, and he will hear none. In fact, his lordship is as careful to keep every degree of information from this House, as from the generals Lee, Putnam, or Washington; for when Mr. Penn delivered him the Petition he did not think proper to ask him a single question; when Mr. Penn was examined at your lordships' bar, his lordship shewed a similar aversion to any thing which might wear the most distant appearance of looking for information. From the time that the House agreed to examine Mr. Penn, till the day he was examined, I determined to have no sort of communication with him; yet, from what had fallen from the noble earl in the blue ribbon, and the noble earl lately in office, I wished to avoid asking that gentleman any questions which might probably be disagreeable, or embarrass him. Accordingly, when I came into the House, having previously drawn up a list of such questions as I thought proper to put to him, I went below the bar and delivered him the paper, desiring him to object to such as he thought proper. He kept the paper a few minutes, and returned it to me with an assurance, that the list contained not a single question he was not ready to answer. In this transaction, my lords, I flattered myself that I had acted with all imaginable caution and candour. Yet what was the consequence? but that the noble earl who presides at the head of the Admiralty, charged me with previously consulting the witness, with an intention, I presume, to fabricate a particular kind of evidence on purpose to mislead this House. Such language was, in my opinion, extremely unparliamentary, and deserving of your lordships' discountenance and disapprobation: yet, after I had explained the matter nearly in the same words I do now, what shall we say to the unjustifiable conduct of another noble lord (Lyttelton) who again repeated the same charge, mixed with a direct imputation, that the witness gave a partial testimony? But this is the noble lord, who stands up so warmly for parliamentary order and the decorum of debate, and so severely condemns the learned lord for being guilty of what he calls a violation of it. It is true, I always hear that noble lord with infinite pleasure and delight; he speaks so finely, so harmoniously, his elocution is so charming, and his action so just and striking, that he affords me no small degree of entertainment, scarcely Mr. Garrick himself more; yet before the noble lord is so very ready to censure others in respect of transgressions, such as he now attributes to the learned lord, he should recollect how ready he is himself to offend in a similar manner. His lordship has laboured greatly to reconcile the learned lord's expressions to each other. Your lordships, I dare say, are already perfectly satisfied of his ability in that way. He has a knack of reconciling very strange things indeed, I hope he will be able to reconcile his conduct on the first day of the session, and the part he has since taken. I need not hope it, I may rest assured that his lordship is able to reconcile greater difficulties and contradictions than even that itself. His lordship will, how-

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ever, excuse me, if I think his ingenuity would be better employed in immediate relation to himself, than about any matter respecting the noble and learned lord. On the whole, my lords, I cannot help observing, that the conduct of administration has been very extraordinary, The noble earl in the blue ribbon has told you he has been deceived. The noble earl at the head of the Admiralty has told you that he deceived your lordships relative to the naval arrangements of last year; lest if he had made the necessary demands, you would have withheld your support. A noble lord in the other House pledged himself, that an army of 10,000 men would look America into submission. The same noble lord has again undertaken to perform the same task with 25,000 men. What, then, in such a state of imposition, confessed weakness, and contradiction, have your lordships to direct you? Why the noble earl in the blue ribbon desires you, very gravely, to place an implicit confidence in administration. He tells you, that no miscarriage can happen, if you will trust him and his brethren in office. This is speaking pretty confidently, and with no small degree of hazard. I presume his lordship is not ignorant of the true purport of such language in this House; it is no less than fairly engaging in measures, the consequences of which the ministers' heads are to be answerable for. If, therefore, the present motion should be over-ruled, and this implicit confidence in ministers should be deemed advisable, I hope that the doctrine will be accepted of in all its parts; trust the executive power, and let the executive power be eventually responsible to the legislative for all the consequences.

Lord *Camden*. The noble lord who so severely animadverted on my conduct respecting certain opinions maintained by me in the course of my speech, having offered so little immediately directed to combat the justice and truth of those opinions, I might well stand excused in your lordships' judgment, as well as my own, in not rising to reply to them, if I were not doubtful it might be construed into pusillanimity, or a conviction that I had acted improperly, and was resolved to submit to the noble lord's censure in silence. When, therefore, the noble lord makes a general charge of inconsistency against me, I tell him that I think I am perfectly consistent; that I might assert one thing as an Englishman, and resist it as an American. The noble lord says, it is indecent and unparliamentary to arraign an act of parliament, unless it be on a motion for its repeal. I never knew any such rule of debate observed in either House of Parliament. If there be, I contend that it is essentially destructive of the freedom of debate, and shall never be observed by me, till I am fairly tied up by a vote of your lordships to that purpose. But if the rule were a good one, only see how it would operate in the present case—the question substantially before us is, whether or not the Acts of the British parliament respecting America be founded in justice, and be consonant to the principles of this constitution. Frame ten, or ten thousand motions, they will come at last to this question. What, then, is the purport of the noble lord's argument? I allow the true question relates solely to the justice and wisdom of those Acts; you may say any thing else you please, but on them you must be silent. I appeal to your lordships, if this be not the natural and obvious meaning of the censure attempted to be passed on my words, and the restraint that would be the consequence, should your lordships think I deserved it. No, my lords, till I am fairly precluded from exercising my right, as a peer of this House, of declaring my sentiments openly, of discussing every subject submitted to my consideration with freedom, I shall never be prevented from performing my duty by any threats, however warmly and eagerly supported, or secretly suggested. I do assure your lordships, that I am heartily tired of the ineffective struggle I am engaged in. I would thank any of your lordships who should procure a vote to be passed for silencing me. It would be a favour more grateful than any other it would be in the power of your lordships to bestow; but until that vote has received your lordships' sanction, I must still think, and shall uniformly continue to assert, that Great Britain was the aggressor; that most, if not all, the Acts were founded in oppression; and that if I were an American, I should resist to the last such manifest exertions of tyranny, violence, and injustice. When I arraign those Acts, I would willingly draw a line, distinguishing those which have created the present troubles from those that preceded them; because the latter, I am authorized to say, did not directly operate, though undoubtedly, they laid the foundation for the former. Saying this, however, I contend

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that there has not been a single step nor consequence, throughout this whole business, that did not originate from the principle of laying taxes on America, for the purpose of raising a revenue. That, my lords, is the great grievance, the source and parent of every other. But coming more immediately to the matter I rose to explain: tea was sent to Boston under the idea, as was pretended, of enforcing a commercial regulation: the tea was destroyed by a number of men in disguise, assisted by a mad-rabble; an act, at the time, disavowed by the whole province in their legislative and constitutional capacity; and never, from that day to this, offered to be justified, either in writing or discourse. How did Great Britain act on this occasion? Without making any demand of reparation; without making a single enquiry, or calling for a single evidence to prove the delinquency of a single inhabitant of the province of Massachuset's Bay, you shut up its port, you deprived thousands of the means of living, of the fruits of their honest industry, though you were convinced they disapproved of the act as much as yourselves. Besides, you robbed people of their property, by rendering their landed estates, their houses, wharfs, &c. useless. If this was not injustice, the most wanton in its nature, and the most aggravated in its circumstances, that was ever exercised in a free, nay, in a despotic country, I am sure I know not what tyranny or despotism is. Such was the complexion of your next Act, that of stripping the province of its charter, without previously proving that the powers delegated by it were abused and legally forfeited; in fine, without examination or enquiry of any kind whatever. And lastly, that last inhuman Act of endeavouring to starve half a million of people into compliance, and thereby involving the guilty and innocent in one common punishment.

These, my lords, are some of the few reasons why I think that Great Britain has been the aggressor; that she has been cruel, oppressive, unjust, and unrelenting; and these, my lords, are the motives which would induce me, were I an American, to resist them as the most open and dangerous attacks upon my liberty, property, and in short, every thing I held dear as a freeman.

Lord *Mansfield*. My lords, I did not intend to speak to the question, for you will perceive by my voice that I am not well. If, therefore, I should not express myself so clearly as I could wish, I will trust to your indulgence. The question before your lordships is simply, whether it will be proper to give the papers now called for. If the giving them to the House will be productive of no inconvenience, and give necessary information, I think the motion should be complied with. On the other hand, if the motion will answer no one good purpose, and may possibly disclose matter proper to be kept secret, I think the desired information ought to be withheld. These, my lords, are the objects of the motion; but I perceive the debate has taken a very different turn. The question at large has forced itself into discussion, and I foresee ever will, till it is decided one way or the other. The bad consequences of planting northern colonies were early predicted. Sir Josiah Child foretold, before the Revolution, that they would, in the end, prove our rivals in power, commerce, and manufactures. Davenant, adopting the same ideas, foresaw what has since happened; he foresaw, that whenever America found herself of sufficient strength to contend with the mother country, she would endeavour to form herself into a separate and independent state. This has been the constant object of New England almost from her earliest infancy. Their struggles, in the reign of king William, compelled that prince to recal their former charter, and give them a new one; and, towards the conclusion of his reign, to get an Act passed, that no law enacted in the colonies should be valid, if contrary to any law at the time existing in England. Those disputes scarce subsided from that day to this. I remember, in 1733, Mr. Talbot (afterwards chancellor) proposed a set of resolutions in the House of Commons, in which the nature of the disputes then subsisting were directly pointed at, and similar doctrines to those maintained at present by the British parliament fully asserted. So matters continued till 1756, when a new administration was formed, brought about by a coalition; in effecting which I had the honour of being an instrument. I remember at that time the ministry were extremely unwilling to engage in a war on account of America; and, I believe, would have avoided it, if some circumstances had not intervened, which gave another turn to the disputes then subsisting. Not that I would be understood to say, that America was not

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the true cause of the war then undertaken; I am certain she was. A vulgar opinion prevailed, that we armed in defence of Hanover; the contrary was certainly the case. Whatever form the war might have afterwards assumed, the preservation of America was what originally brought us into it. At the conclusion of the peace, the inconveniences which have since arisen were then partly foreseen; but they were, however, balanced with a suitable degree of wisdom against those which might have been produced by embracing the other part of the alternative. If Canada was restored to France, it would have laid a foundation for future disputes, and future wars: it would have been the source of endless contention between both nations. This was the precise state of the case, previous to the laying on the Stamp Act. An idea then prevailed, that America, from her increased power and ability to pay, should contribute to alleviate the burdens she had been instrumental in loading this country with. I shall not pretend to say how proper such a measure might have been. As things have since turned out, I am sorry the Stamp Act ever passed: however, no person at the time so much as offered to say a word against it. The next year the Declaratory Law was passed, without any opposition. In a year after, the noble and learned lord who spoke last, being then at the head of his Majesty's councils, and presiding on the woolsack, was present when the port duties were laid on, and never said a word against them. I am sorry they were ever laid on. Much about the same time, the Act for extending the act of Henry the 8th, relative to the trial of persons for offences committed out of the realm, was passed: the same learned lord and the noble duke, who made the motion this day, then presiding at the head of the Treasury, were both in the cabinet, and not a word was said then against the measure. I am sorry that Bill was passed. And, lastly, the very Bill the learned lord hath this day bestowed so many hard names upon, relative to stopping up the port of Boston, was passed without any manner of opposition. Of the succeeding acts I shall say nothing, but that if the others were justifiable, I think the latter were equally so. I do not think that America complains of particular injuries so much as she does of the violation of her rights. If I do not mistake, in one place, the Congress sum up the whole of their grievances in the passage of the Declaratory Act, which asserts the supremacy of Great Britain, or the power of making laws for America in all cases whatsoever. That is the true bone of contention. They positively deny the right, not the mode of exercising it. They would allow the king of Great Britain a nominal sovereignty over them, but nothing else. They would throw off the dependency on the crown of Great Britain, but not on the person of the king, whom they would render a cypher. In fine, they would stand in relation to Great Britain as Hanover now stands; or, more properly speaking, as Scotland stood towards England, previous to the treaty of Union. His lordship then entered into a variety of detailed reasonings, to shew that the views of America were directed to independence; that Great Britain could not concede without relinquishing the whole, which he supposed was not intended; and that consequently, any measure of conciliation, in the present situation of affairs, and the declared intentions of America, would answer no end, but furnishing her with grounds to erect new claims on, or to hold out terms of pretended obedience and submission.

The Earl of *Shelburne*. I do not pretend to follow the noble and learned lord over the very wide circuit he has taken. So much, however, I can affirm, that were I as well satisfied, as his lordship seems to be, that America aims ultimately at independence, I should be one of the first for adopting the most firm and decisive measures; not having yet brought myself to approve of the very extraordinary proposition, of breaking off all political or commercial connection with that country. His lordship has stated the case of Ireland, as applying to the subject of the present unhappy disputes, and was pleased to allude to something which dropped from me the last night on that subject, inferring from thence, that as Ireland is a subordinate kingdom, dependent on the crown of Great Britain, the true dependence of America is thereby clearly marked out, as distinguished from those claims of America, which maintain that their obedience and submission reach no farther than to the mere person of the prince upon the throne. Taking the premises to be true, I perfectly coincide with his lordship; for I always have, and ever shall think, that both Ireland and America are subordinate to this country; but I shall likewise retain my for-

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mer opinion, that they have rights, the free and unimpaired exercise of which should be preserved inviolate. The principal, the fundamental right, is that of granting their own money. The Irish have always exercised that right uninterrupted; so has America till very lately; and that this invaluable privilege is going to be wrested from her, I take to be the true grievance; remove that away, and every thing, I dare say, will soon return into its former channel. I do not here promise to meet the ideas of every person on the other side of the Atlantic indiscriminately. There may be some factious, ambitious, turbulent spirits there. I would be understood to speak here of the prevailing governing dispositions of both countries. There may, on the other hand, be many people in this country so mistaken as to desire a revenue; but what I mean is, that if the claim of taxation was fairly relinquished, without reservation, I am confident the supremacy of the British parliament would be acknowledged and acquiesced in by America, and peace between both counties be once more happily restored.

The noble and learned lord speaks something concerning a coalition, or union of opinion on some leading points. I find myself in an aukward situation. I do not, for my part, wish to become a member of administration. I am an independent man, and mean to continue so; but if any general plan should be adopted, I should, in the first instance, put in my claim to restrain the power and mode of exercising the constitutional plan of royal requisition, so as to prevent the crown, or the ministers for the time being, from employing it to purposes of finance and patronage, which might tend to throw still more weight and influence into the hands of government, already grown much too powerful. The fatal effects of this increased strength in the crown has been severely felt in another kingdom. It was to guard against it, in some measure, that the Act of king William passed for limiting the army serving in Ireland to 12,000 men. Though the army, till very lately, was continued at that number, other means were devised to employ the power of the crown in that country, to purposes operating nearer home. It is therefore on the hint now thrown out by the learned lord, that I lay in my claim thus early to avert the mischiefs to be dreaded from increasing the power of the crown, on the footing of any plan of conciliation which may be proposed and agreed on ultimately between Great Britain and America. The learned lord will, I trust, excuse me, when I set him right relative to a fact, which he has mis-stated. His lordship says, the Boston Port Bill passed without any opposition. I beg leave to remind his lordship, that it was warmly opposed: that I, among several other lords who entertained similar sentiments, testified our disapprobation in the warmest and most decisive terms; nor shall I be ever reconciled to that Bill, nor the Charter Bill that accompanied it. They were both founded in manifest injustice: to punish men unheard in one instance, and to create a forfeiture, without any delinquency proved in the other, were such Acts as must continue to disgrace our statute books, till they are repealed.

The noble earl in the blue ribbon, and the noble lord lately in office, speak as if such information as that now desired, was not only improper to be given, but even indecent and unparliamentary to be asked. I protest to your lordships, I never heard till this night so extraordinary an idea maintained. In the first place, their arguments prove the very reverse: they prove, that all secrecy will be nugatory, for that the rebels are better informed than the King's troops. But taking the fact to be directly otherwise, what would their reasoning amount to? Keep every thing a profound secret; if any thing, at least any thing material, transpires, our schemes will be defeated. Now, for my part, I by no means approve of such a mode of preceding, even if engaged in a foreign war with our natural and inveterate enemies. By the accounts transmitted down to us, this was not the conduct pursued by the immortal Marlborough. He always came over in the winter, and instead of wishing to conceal from his enemies, he generally stated minutely the measures pursued during the preceding campaign; the operations, and their actual or probable effects. His grace did not even rest contented here, for he never failed to sketch the great outline of the succeeding campaign, and the number of troops it would be necessary to bring into the field. He was generally as good as his word, whatever he promised he punctually performed; and never in the course of ten successive campaigns, did he once come to parliament to tell he had been deceived; or that he had suffered in the least by his communications to parliament.

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The Duke of *Richmond.* The noble and learned lord who spoke late in the debate, has entirely forgot the circumstances relative to the passing of the Boston Port Bill; and the opposition it met with from this side of the House. I must put his lordship in mind, that it was very strenuously opposed; and that upon the very ground urged this day in debate. I remember very well too, that the noble and learned lord foretold, that it would meet with no opposition from the inhabitants of Massachuset's Bay, and pressed unanimity as the best means of ensuring it success. It was on the faith of those assurances, that the Bill was not opposed on the third reading. It was treated no more than as a matter of mere form, the Bill was to be passed, the tea was to be paid for, and tranquillity was to be the consequence. How miserably those persons who reasoned in this manner were deceived, or how miserably they endeavoured to mislead others, and I am sorry to say in some measure succeeded, will I trust be not shortly forgotten. Before I sit down, I shall just mention a very particular circumstance, which happened at the time of passing that celebrated Bill. None of the noble lords who disapproved of the Bill, having thought it necessary to attend at the third reading; to give it the greater *eclat*, it was entered in the Journals, *nem. con.* Whereas, it is totally unusual to do so, when an opposition has been made to the Bill in any stage.

The Duke of *Grafton.* My lords, it has been said this day, that Great Britain is not able to coerce America. I should be sorry such a notion should prevail; nor do I think it well founded, if it barely depended on a trial of strength between the parties. If, on the other hand, we reflect but for an instant, that we cannot exert our whole force against America, nor with prudence or safety one half of it, that weighty consideration should be always present in our minds. It is no longer a secret that France will not permit us. In that event, only think, my lords, what a perilous situation we shall be in. After having wasted a considerable part of our blood and treasure in this unnatural contest; after we have stretched our ordinary means of carrying on this war as far as they can go, nay probably anticipated them considerably; our commerce on the decline, if not ruined; our manufacturers starving, or enlisting for soldiers; France, or perhaps the whole united strength of the House of Bourbon, declares against us. Where, in such a situation, are we to look for new resources? I solemnly affirm, and with grief assure your lordships, I do not know. I am tolerably well acquainted with the finances of this country; and I am sure I cannot think of a single tax, even in a time of perfect tranquillity, that could be devised, which would increase the gross receipt at his Majesty's Exchequer. What then must be the consequence of a war at such a period, when I can venture to foretel, that one third, if not more, of the ordinary national resources will be stopped?

Viscount *Townshend* passed several high compliments on the duke of Grafton, relative to his knowledge of his grace's abilities and candour when connected with administration as lord lieutenant of Ireland. He lamented greatly the freedom which had been taken in the course of the debate. He observed, that the noble duke had said, we were not in a situation to go to war without endangering this country from becoming a province to France. Another noble duke had asserted in debate, that what kept the troops in Boston, was the imminent risk of quitting it without being cut to pieces. This, he observed, might suggest to the rebels the very attempt. It was said, that troops were to be sent to the southward; this might defeat the measure, for he was certain, there was not a syllable said in the House that night, that would not be expeditiously conveyed to America by the first possible opportunity.

The Duke of *Grafton* added one more reason for wishing for conciliatory measures. In the event I have first stated, Great Britain must be ruined by prosecuting this unnatural war. In the other, that is, supposing she prevails, and brings America to her feet, I shall fear that, if possible, still more; for I am perfectly convinced, that the liberties of America once gone, those of Great Britain will not long survive them. The duke of Grafton then moved, for "an account of the officers and men effective and fit for duty in the army in and about Boston, according to the latest return, together with the date of that return." Also for "such an account as may best be depended upon, of the force which the colonies will be able to bring into the field against his Majesty's forces in those parts, in order that we may be better grounded in the humble advice, which it is our duty to offer to his Ma-

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jesty on the present alarming crisis." Which were negatived. His grace next moved for "copies of the last returns of the state of the several regiments in Great Britain and Ireland;" which was ordered; lastly, he moved for "an account of all artillery ordnance, arms, military stores of all kinds, issued for the land service of America, since August 1773 to October 1775;" which was negatived.

*Debate in the Commons on Mr. Burke's Bill for composing the present Troubles in America.**] November 16. Mr. *Burke* presented a Petition from the gentlemen, clergy, clothiers, manufacturers, and others, inhabitants of the several towns of Westbury, Warminster, and Trowbridge, and the neighbourhood thereof, in the county of Wilts, whose names are thereunder written, setting forth, "That the petitioners are greatly alarmed and surprized, at finding certain persons, styling themselves the gentlemen, clergy, clothiers, and other tradesmen, of the towns and neighbourhood of Bradford, Trowbridge, and Melksham, in the county of Wilts, approach the throne of our most gracious sovereign, and, under the pretence of testifying their loyalty and affection to his Majesty, boldly assert, in regard to the American prohibition of all commerce with his Majesty's European dominions, that they the petitioners find no melancholy effects arising therefrom, or any unusual failure of demand for their manufactures, or of employment for their poor; and, at this important and alarming crisis, when so much depends on the deliberations and resolutions of parliament, not less than the lives, liberties, and properties of thousands of their fellow subjects, the petitioners, apprehending that the like misrepresentations may be conveyed to the House, should hold themselves unjust to their own dearest interests, and that of their posterity, if they did not publicly express their entire disapprobation of that malignant and uncandid spirit which can carry falsehood to the throne; for the petitioners assure the House, that the trade of that part of the kingdom has most sensibly declined ever since the commencement of the present unfortunate and unnatural contest with America; and that employment for the poor has proportionably decreased in like manner, insomuch that it appears, by authentic and undeniable evidence, that the poor rates of the said towns have, during the last ten years, grown to an enormous degree, and are now become an almost insupportable burthen to the inhabitants thereof; and that the petitioners do not presume to arraign the wisdom or justice of parliament, in the measures which have hitherto been adopted and pursued towards America, but, as intercession on behalf of their afflicted brethren in the colonies, and in extenuation of the criminality with which they have been charged, they beg leave to offer, that their resistance to the right of taxation in the British parliament (from the claim to which, the present unhappy differences have originated) has not, as they conceive, proceeded from an impatience of subordination to that high constitutional supremacy necessarily vested in the mother-country, but in support of an usage, which an uniform and uninterrupted enjoyment of more than 150 years had given them reason to believe themselves entitled unto, and which Great Britain herself had frequently called upon them to exercise in their own provincial assemblies; and the petitioners therefore, considering that the vital principle of trade is peace and confidence, not war and distraction; and compassionating the tumultuous and irregular exertion of that rude yet manly spirit, whose features plainly mark its origin of British ancestry, and which, though misguided in them, was, through our common ancestors, productive of those blessings which make the peculiar boast of our happy constitution, and to which we owe the distinguished happiness that the present august family are at this day on the throne of these kingdoms; and deprecating also the horrors of a civil war, the event of which, being in the hands of the Almighty, may terminate in the dismemberment of our empire, or in a barren and ruinous conquest; and therefore praying the House, to take the premises into their consideration, and, for the sake of peace, for the sake of trade and commerce, and for the general safety, concord, and prosperity of the whole empire, for the sake of our holy religion, and the glory of Almighty God, who dwells in peace, to adopt such lenient measures as may restore to this great kingdom and her colonies that affectionate in-

* "No Englishman, except the members, were admitted during this debate; the only strangers in the gallery, were four women of quality, and a few foreigners." Morning Chronicle.

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tercourse with each other, which alone can prevent the manifold evils with which they are now threatened, and establish the national greatness on the broad foundation of equal rule, and the general happiness of a free, loyal, and united people."

Ordered to lie upon the table.

Mr. *Burke* then rose: he said, that the signers were all men who manufactured for themselves; and he was authorized to say that they possessed more than 500,000*l.* of English property. He wished the prayer of that petition to be considered as the exordium of what he had to say to the House. He complained of the difficulties which in civil wars lay upon moderate men, who advised lenient measures; that their moderation was attributed to a want of zeal, and their fears for the public safety, to a want of spirit; that on this particular occasion whatever they said to incline the House to lenity, was construed into a countenance of rebellion; and so many arts, and so many menaces had been used, that if they had not been opposed with a good share of firmness by the friends to the peace of their country, all freedom of debate, and indeed all public deliberation, would have been put an end to.

He said, that for his part he was no way intimidated, by all these machinations, from doing his duty; and that nothing that could be threatened by those whose measures had brought this country into so deplorable a situation, should hinder him from using his best endeavours to deliver it from its distresses.

The first step for this purpose, was to get out of general discourses, and vague sentiments, which he said had been one of the main causes of our present troubles; and to appreciate the value of the several plans that were, or might be proposed, by an exact detail of particulars.

He stated, that there were three plans afloat. First, simple war, in order to a perfect conquest. Second, a mixture of war and treaty. And thirdly, peace grounded on concession.

As to the first plan, that of mere war, he observed, that it was proposed in two ways; the one direct by conquest, the other indirect by distress. In either of these ways he thought it his duty before he voted for a war, to know distinctly that the means of carrying it on were adequate to the end. It did not satisfy his conscience to say, that the resources of this nation were great; he must see them. That before he could trust to those resources, on the credit of what had been formerly done, he must find the situation of the country to be what it formerly was.

He then examined what the ministers had laid before the House as the means of carrying on the ensuing campaign. That as to the forces which they had made the House expect from his Majesty's allies, all discourse of them had, for some time, entirely subsided: he could, therefore, take credit for nothing more on that account, than a handful of Hanoverians, which only answered the purpose of an imperfect security to some of our foreign garrisons. That our national forces to be employed in America, by the account on the table, amounted to no more than 26,000 men. In this, credit was taken for the army now in America at full numbers. He could not allow that estimate; as, supposing the reduction of the troops in future to be estimated by the past, they must be reduced to little or nothing, by the beginning of next campaign. That the troops here are only upon paper, and the difficulty of recruiting was acknowledged. On the whole, he saw reason to apprehend that we should not be very materially stronger at the beginning of the next year, than we were at the beginning of the last. He said, the probable number of troops, whether national or foreign, weighed very little in his judgment; as he thought the circumstances of the country were such, as would disable them from effecting any thing like a conquest of it.

That as to the predatory, or war by distress (on the nature of which he greatly enlarged) he observed, that it might irritate a people in the highest degree; but such a war had never yet induced any one people to receive the government of another. That it was a kind of war adapted to distress an independent people, and not to coerce disobedient subjects.

But his great objection to it was, that it did not lead to a speedy decision. The longer our distractions continued, the greater chance there was for the interference of the Bourbon powers, which in a long protracted war, he considered not only as probable but in a manner certain. That he was very sure this country was utterly incapable of carrying on a war with America and these powers acting in conjunction. He entered into a long and particular enumeration of all the dangers and difficulties which must attend such a war.

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He stated the condition of France at the beginning of this century, and even within a few years; and compared it with her present situation. He observed, that from being the first, she was, with regard to effective military power, only the fifth state in Europe. That she was fallen below her former rank, solely from the advantages we had obtained over her; and that if she could humble us, she would certainly recover her situation. There was now an opportunity for her making herself, with very little hazard or difficulty, the first maritime power in the world; and to invest herself with every branch of trade, necessary to secure her in that pre-eminence. He admitted, that at present there were circumstances (which he mentioned) that might prevent her from availing herself of this opportunity. But, he said, we must be mad to trust such an interest as ours to such a chance; and that they who presumptuously trust to the extraordinary providence of God, by acting without prudence or foresight, deserve to be abandoned by his ordinary protection.

He then observed that, as he saw no probability of success in the detail of any of the arrangements that were proposed, neither did he see any thing of authority to induce him to believe that they would succeed; not one military or naval officer having given an opinion in its favour; and many of the greatest in both services, having given their opinion directly against it.

That as no man of military experience had vouched for the sufficiency of the force, so no man in the commissariat would answer for its subsistence from the moment it left the sea coast; that, therefore, its subsistence and its operation were become incompatible.

To the objection, that at this rate the Americans might always bring us to unreasonable terms, by the supposed impossibility of reducing them by force, he said that he could not help the difficulties which arose from nature and the constitution of things; that he could not make America nearer to us than it is; or a country of another nature than what God has made it. That people who cannot contrive to reconcile their quarrels, must suffer the evils that happen to a divided nation. That he was of opinion, there was no dishonour at all in any kind of amicable adjustment of domestic quarrels; and he would rather yield an hundred points, when it was Englishmen who gave and received, than a single point to a foreign nation; and we were in such circumstances that we must yield to either one or the other.

After an examination of the merits of the first plan, that of reducing the colonies to obedience by simple war, in order to a perfect conquest, he entered into a discussion of the second, namely, that of the mixture of war and treaty.

Among the great and manifest diversity of sentiments which prevailed on the Treasury-bench, he thought he could discern that this plan had been the most generally adopted by ministers, or by those who acted as such. That no light, however, had been let in upon the particulars of the scheme, except in the speech from the throne. It was, indeed, very little, and that little very fallacious. One would be inclined to think from that speech, that nothing had retarded the restoration of peace, but a doubt, whether those in arms might, upon laying them down, obtain a speedy pardon. However, the fact was, no pardon had been ever applied for. If nothing had been wanting to conclude the peace but such a power, the commander in chief might be authorized to hold out mercy to all those who should submit; and then there would be no need of the laborious, expensive, uncertain, and dilatory process of a commission.

It was impossible to pass by the very exceptionable manner in which this power of pardoning was to be delegated: "they shall have authority," says the Speech from the throne, "to grant general or particular pardons or indemnities, in such manner, and to such persons, as they shall think fit." A shocking, arbitrary power, not to be trusted to any persons, giving encouragement to dangerous partialities, and tending rather to distract than to quiet the country. That the rule of pardon, when delegated to subjects, ought not to be their pleasure or displeasure, but the compliance or non-compliance of the guilty with certain fixed conditions. That some such discretionary power as that mentioned in the speech, seemed to be given already, and to have produced the mischiefs which might be expected from it. For that general Gage had already, whether by himself, or by order from ministers, made a very indiscreet use of it, by offering mercy to those who were openly in arms and actually besieging him in his station, and excluding from mercy

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those who were 500 miles from him,* and then sitting in an assembly never declared by authority to be illegal; an assembly, from which the ministers in the House of Commons had at one time declared they were not without hopes of proposals, which might lead to accommodation. On this part of the speech from the throne he animadverted with great severity.

He said he understood, that instead of the Americans waiting for pardons, they were to be persuaded by negociation to accept them. Therefore it would be necessary to examine what body of men it was that administration proposed to negociate with, and what the objects of the negociation were to be.

That if he did not mistake the discourses of ministers, they did not now propose to negociate with the present, or with any other General Congress or meeting, but with the several assemblies distinctly. In this scheme, he said, they knew that they could not succeed. Because there was one principal province, that of Massachuset's Bay, whose assembly, under their charter, was destroyed by act of parliament. That no assembly would sit in that province under the new constitution; because if it should, the inhabitants must, as a preliminary, yield the principal object for which they had taken up arms; and thus turn the negociation against themselves, even before it should be opened. That this province was the actual seat of war, as its sufferings had been the cause of the war itself. Treaty must therefore stumble upon the threshold.

That besides this objection, (which was fundamental) a negociation with so many provinces, of such different constitutions, tempers, and opinions, never could come to an end. In the mean time our hostile operations, with their whole train of disasters, accidents, and ruinous expences, would be continued, to the destruction of this country and of that. That the hope of dividing the colonies, on which this part of the plan was founded, and which was even avowed as a reason for adopting it, would be the most unfortunate thing that could happen; as it would protract the war, and complicate its horrors and miseries, without a possibility of ending it. It was, he said, a vain imagination, that any of the colonies would take up arms in favour of ministry, for the execution of any of their plans; and that a part of the colonies was sufficient, at least, to keep this war alive, until the interference of foreign powers should render it utterly destructive.

That with regard to the objects of the treaty,—there must be concessions on the side of the colonies; or upon ours; or upon both. That upon their side they must be either speculative recognitions of rights upon as large a scale as we had claimed them; and this it was absolutely certain they never would submit to; or upon a lesser, excluding taxation, and its consequences, and this they had submitted to already; so that there seemed to be no object of the speculative kind, which made it necessary to postpone peace by a protracted negociation.

That the other object of treaty might be a practical recognition of our right of taxing for a revenue; that this revenue was to be either nominal or beneficial; if only nominal, it amounted to nothing more than that speculative acknowledgment of right, which we knew they would for ever refuse to make. If beneficial and productive, it was to be either by submitting to lord North's proposition, namely, that of forcing them to furnish a contingent by authority of parliament; or according to their ancient mode, by a voluntary grant of their own assemblies.

If the former, we know, said he, they have already rejected that propositio n and never can submit to it, without abandoning that point, for the maintenance of which they have risked their all. If it only requires, that they should resort to their ancient mode of granting by their assemblies, they have declared again and again, from the beginning of this contest to the end, that they were willing to contribute according to their ability, as estimated by themselves, who were the best judges of what their ability was. That ability would be lessened, if not totally destroyed, by the continuance of those troubles. This armed negociation for taxes would therefore inevitably defeat its own purposes; and prevent for ever the possibility of raising any revenue, either by our authority, or by that of their own assemblies.

That if the ministers treated for a revenue, or for any other purpose, they had but two securities for the performance of the

* Messrs. Hancock and Adams, who were excepted in the general pardon offered by general Gage on submission, whilst Ward, Putnam, &c. besieging him, were not excepted.

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terms: either the same force which compelled these terms; or the honour, sincerity, and good inclination of the people. If they could trust the people to keep the terms without force, they might trust them to make them without force. If nothing but force could hold them, and they meant nothing but independency, as the Speech from the throne asserted, then the House was to consider how a standing army of 26,000 men, and 70 ships of war, could be constantly kept up in America. A people meaning independency, will not mean it the less, because they have, to avoid a present inconvenience, submitted to treaty. That after all our struggles, our hold on America is, and must be, her good inclination. If this fails, all fails; and we had better trust to the honesty of the colonies, before we had ruined ourselves, than after; before we had irritated them, than after we had alienated their affections for ever.

That the troops sent for the purpose of forwarding, would certainly impede the negociation. That it was impossible the provincials could be mad enough to lay down their arms, whilst a great adverse military power remained in their country, without any assurance whatsoever of their obtaining any one of the points for which they had contended. This would not be to negociate, but to surrender at discretion. All the grievances they had complained of, were contained in acts of parliament. Lord North had declared very truly, that nobody could have power to negociate for the repeal of an act of parliament.

But if the colonies should incline to put any confidence in the certain influence of ministry over parliament, even that grand confidence must fail them; as they cannot tell whether the same ministers will continue in power; and that even at this very time no two persons upon the Treasury bench were of the same opinion, on the conduct to be held towards America. Which of those opinions would finally prevail, no man living could divine. That this uncertainty might continue the armed negociation for several years, to the utter ruin of both countries.

He gave many other equally strong reasons against the scheme; and concluded this part of his speech, by observing, that although the mixed plan of war and negociation could answer no good end in future, it might have a retrospective operation,—to justify the ministers in the use of their forcible proceedings. For force and concession going out together, if peace should be the result, ministers would attribute the success, not to the concession, but to the force. So that all this delay, bloodshed, and expence, was incurred merely to furnish ministers with an excuse in debate.

After going through the two first plans, he spoke to the third (his own)—that of a concession previous to treaty.

He observed, that as he put no great trust in any negociation, and none at all in an armed negociation, his idea was, to have very little treaty; and that little as short as possible. The House was therefore at that time to judge, whether it was necessary to make any concession to the colonies: if it should appear to them that such concession was necessary, he was clearly of opinion, that they ought to make it immediately, and of their own free grace. This he thought of more dignity with regard to themselves, and of much more efficacy with regard to the quiet of the colonies, than the concession upon treaty which had been proposed.

He said, that the first ground of treaty must be confidence; and that the colonies never could confide for the effect of any concession (as he had shewn in examining the foregoing plan) in a less assurance than that of parliament itself.

He then shewed, by a variety of instances, collected from the public proceedings during the last ten years, how necessary it was that government should be aided by parliament in re-establishing that confidence which had been shaken by those proceedings, and that some firm ground should be laid as a foundation for future peace.

He was of opinion, that this foundation of confidence was become the more necessary, from the constitution of the present ministry. That in no time or country, or under any form of government, was the power of ministers suffered to survive the success of their counsels; or the same men permitted to inflame a dependent people to arms, and then to appease them by concessions. That the duke of Alva would be a strange plenipotentiary to have sent, for making the concessions which king Philip the 2nd proposed to the Netherlands. In concession, the credit of a state is saved by the disgrace of a minister; because it is his counsel alone that is discredited. But when the same ministers do and undo, in consequence of the re-

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sistance they meet, it is the nation itself that submits. Besides, he alleged that all treaty is more easy, and fewer concessions are required by all men, when they have a confidence in those they treat with.

He was convinced, that the mere removal of the offensive acts would have given satisfaction in former times, and from amicable hands. But now things are on another footing; and if more concession is required, it is because injudicious coercion has made it necessary. That he had always wished to preserve the legislative power of this kingdom entire in every thing; and that it was with great grief he saw, that even an odious and scarcely ever to be exercised part of it, was to be abandoned. But when the maxims of public councils are not steady, it is necessary that laws should supply the want of prudence. That it was thus, and for this reason, that limits had been set to absolute power in all countries; and that power (though not absolute) had been preserved, not destroyed by such limitations.

That we are now in a quarrel; and in putting an end to any quarrel, it is necessary to look to its origin; that the origin of this present difference had evidently been upon the subject of taxation. That an arrangement of this question, either by enforcement or concession, was a preliminary essential to peace. That the House ought to estimate the full value of the object to be conceded, before they agree to give it up. If they were of opinion, that the taxation of America could repay them their expences, or compensate their risks, they ought to pursue it. If, on the contrary, it was evident beyond all contradiction, and so evident as to enforce reiterated acknowledgments, that they never could enjoy a moment's quiet as long as that matter of contention continued—it was then altogether as essential to the preservation of their own authority in all other points, as to the liberty of America and quiet of the whole empire, to give it up, with such limitations in the concessions, as the rights of sovereignty required.

That the parliament of Great Britain were not the representative, but (as lord John Cavendish had said, some days before, with great truth and propriety) the sovereign of America. That the sovereignty was not in its nature an abstract idea of unity, but was capable of great complexity and infinite modifications, according to the temper of those who are to be governed, and to the circumstances of things; which being infinitely diversified, government ought to be adapted to them, and to conform itself to the nature of things, and not to endeavour to force them. That although taxation was inherent in the supreme power of society, taken as an aggregate, it did not follow that it must reside in any particular power in that society. That in the society of England, for instance, the king is the sovereign; but the power of the purse is not in his hands; and this does not derogate from his power in those things, in which our constitution has attributed power to him. If parliament be the sovereign power of America, parliament may, by its own act, for wise purposes, put the local power of the purse into other hands than its own, without disclaiming its just prerogative in other particulars.

That formerly, whatever this right might be to it, the kings of England were in the practice of levying taxes by their own authority, upon the people of England; they contended that the crown, being charged with the public defence, must be furnished also with the means of providing for it. That it would be absurd to commit a trust into the hands of one person, and to leave the power of executing it to depend upon the will of another. They therefore held, that this power was inseparable from the crown; and in general they made use of the very arguments in favour of the king's indefeasible right to tax the people of England, that are now used by the parliament of England, to tax the people of America. Notwithstanding all these arguments, one of the greatest of our kings, by an express and positive Act, cut off from the sovereign power this right of taxing.

This Act, which has been the foundation of the unity and happiness of England since that time; that is, the stat. 34 Edward 1, called *Statutum de tallagio non concedendo*, Mr. Burke made his pattern; and from thence (if his plan should be adopted) he hoped the same good effects in future. That this pattern statute was absolutely silent about the right; but confined itself to giving satisfaction in future; and that it laid down no general principles which might tend to affect the royal prerogative in other particulars. That in all human probability the preservation of the other branches of the prerogative was owing to the clear and absolute surrender of this.

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He then moved that the first, fourth, and fifth chapters of the Statute *de tallagio non concedendo* might be read; which being done, he observed, that this statute consisted of three capital parts; a renunciation of taxing,—a repeal of all statutes which had been made upon a contrary principle,—and a general pardon.—He then read his own Bill, and shewed its conformity to the spirit of that Act, supposing Great-Britain to stand in the place of the sovereign, and America in that of the subject. That the circumstances are not indeed in every respect exactly parallel, but that they are sufficiently so to justify his following an example that gave satisfaction and security on the subject of taxes, and left all other rights and powers whatsoever exactly upon the bottom on which they stood before that arrangement had been made.

He then gave his reasons for not adopting the methods which (though not proposed in the House) had been frequently suggested in conversation by several friends and well wishers to America.

And first he mentioned the proposal for repealing the Declaratory Act of 1766. On this occasion he entered into the history of that Act, the reasons for making of it; and the perfect acquiescence of the colonies under it; until by the renewal of the scheme of actual taxation their apprehensions were roused, and they were taught to look with suspicion and terror upon the unlimited powers of the British legislature. That the repeal of a Declaratory Act was a thing impossible; for it was nothing less, than to make the legislature accuse itself of uttering propositions that were false, and making claims that were groundless. That the disgrace of an English parliament could add nothing to the security of American liberty. That on the contrary our inconstancy would become a bad ground of trust. That the Declaratory Act had been misrepresented, as if it had been the cause of the taxation; whereas the grand scheme of taxation had preceded the Declaratory Act, and not been the consequence of it. That the Act has said nothing in particular of taxation, but is an affirmation of the universality of the legislative power of Great Britain over the colonies. That if this Act were repealed, it would be a denial of legislative power, as extensive as the affirmation of it in the Act so repealed. That he was averse to doing any thing upon speculations of right. Because when parliament made a positive concession, the bounds of it were clear and precise; but when they made a concession founded in theory and abstract principles, the consequences of those principles were things out of the power of any legislature to limit. That this Bill gave as effectual a security against future taxation as any declaration of right could possibly do; and that it put American liberty, in that point, upon just as good a footing as English liberty itself.

He next considered the proposition for repealing all the Acts since 1763. This he shewed to be impossible, without ruining the whole system of the trade laws, and some of those laws also, which are extremely beneficial to America. That all the laws which leaned upon the colonies, and were the cause or consequence of the quarrel, were to be repealed in this Bill, which made provision likewise for authorising such a negociation as might tend to the settlement of all those lesser matters to the mutual advantage of the parties. That the Congress did not require this sweeping repeal as a preliminary to peace; but that even if it had, he was for treating of peace with and making concession to the colonies, and not receiving laws from them. That he did not conceive, that when men come to treat of peace they must of course persevere in demanding every thing which they claimed in the height of the quarrel. That the cause of quarrel was taxation; that being removed, the rest would not be difficult. For he denied that the desire of absolute independency was or could be general in the colonies. It was so contrary to their clearest interests, provided their liberties were preserved, that so far from disbelieving them, when they denied such a design, he could scarcely credit them if they should assert it. He then stated five or six capital facts, to prove that independency neither was or could be their object.

He said he was confident, both from the nature of the thing, and from information which did not use to fail him, that this Bill would restore immediate peace; and as much obedience as could be expected after so rude a shock had been given to government, and after so long a continuance of public disturbances. That in this Bill, a basis was laid for such satisfaction in the minds of all sober people in America, as would enable government to fix and settle, if common prudence were employed in its future construction and ma-

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nagement. That in the first operation it would be the true means of dividing America. Not the dangerous and fallacious method of dividing which had been proposed, and from which nothing but confusion could grow: not the division of province from province, or the rich from the poor; or the landed from the trading interest; but the division of the peaceable from the factious; the quiet from the ambitious; the friends to the unity of the empire, from the projectors of independence. That this would put the standard of American liberty into the hands of the friends to British government; and when this was done, there was no doubt, but that a sense of interest, natural affection, the dread of the horrors of war, and even the love of freedom itself, better secured by such an Act than by any schemes of hazardous speculation, would leave the really factious very few followers or companions.

He then strongly urged the necessity of granting peace to our colonies on terms of freedom; dilated largely on the uncertainty (to say no worse) of obtaining it upon any other; and the utter impossibility of preserving it in future, without setting the minds of the people at rest. He dwelt largely on the mischiefs which we must suffer by the continuance of this quarrel. He rested little on the consideration of trade and revenue; he put that out of the question, as a matter that would require a large discussion by itself; but chiefly aimed at shewing, that in the progress of this business new powers must be daily added to the crown; so that in seeking to destroy the freedom of others we may fail to obtain what we pursue, and in the pursuit may lose our own liberty. On this head he dwelt very largely, and concluded the whole with a warm and earnest address to the consciences of the members, and an exhortation not to trust to general good intention, and to an opinion that what they were doing was for the support of government, when it was far from evident, that under the name of government, it was not the ambition, the interest, the ignorance and obstinacy of particular men that they were supporting; that they were bound not to give confidence, where rational grounds of confidence did not appear; and that anarchy instead of government, and civil confusion instead of peace and obedience, would be the consequence of an encouragement given by that House to a blind perseverance in measures, which were not conceived with wisdom, or conducted with ability.

He moved "That leave be given to bring in a Bill for composing the present Troubles, and for quieting the minds of his Majesty's subjects in America."

The following is a Copy of the Bill.

"Whereas, by the blessing of Almighty God, and the industry, enterprise and courage of several of the people of this realm, extensive and valuable territories have been acquired in America to the crown of Great Britain, which are now inhabited by great multitudes of his Majesty's subjects, who have cultivated and improved the same for the most part at their own charges, to the great increase of the commerce and naval strength of this kingdom, and have also, of their own free gift, made provision for the support of the civil government within their said plantations, have maintained many expensive wars against the Indian nations, and have at sundry times granted large sums of money, and other very considerable aids to his Majesty, and his royal predecessors, to support them against the enemies of this kingdom, notwithstanding which the inhabitants of the said colonies have been made liable to several taxes given and granted in parliament, for the purpose of raising a revenue, when they have had no knights or burgesses, or others of their own chusing, to represent them in parliament; and from the great distance of the said colonies from this land, and other impediments, are not able conveniently to send representatives to the said parliament, whereby the said inhabitants of the British colonies have conceived themselves to be much aggrieved, and thereby great troubles have arisen, and are likely to continue, if a fitting remedy be not provided. Wherefore, we pray your Majesty that it may be enacted and declared, and it is hereby enacted and declared, by, &c. &c. &c.

"That no aid, subsidy, tax, duty, loan, benevolence, or any other burthen or imposition whatsoever, shall be granted, laid, assessed, levied, or collected upon the inhabitants of any colony or plantation in America, by the authority, or in virtue of any act of parliament, or in any other manner, or by any other authority, than the voluntary grant of the general assembly, or general court of each colony or plantation, and which shall be assented

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to by his Majesty's governor, and otherwise confirmed according to the usage of each province respectively, any law, statute, custom, right, prerogative, or any other matter whatsoever to the contrary notwithstanding. Saving to his Majesty, his heirs, and successors, his right of reserving and collecting quit-rents, and other his ancient dues and revenues, and all other duties and taxes by this Act not repealed, and saving and reserving to all proprietors and charter-companies, their ancient rights, privileges, and possessions.

"Provided always, that nothing in this Act shall extend, or be construed to extend, to restrain the future imposition, and levy of duties and taxes for the regulation of trade and commerce in all the dominions to the imperial crown of this realm belonging.

"And in order to remove all doubt and uneasiness from the minds of his Majesty's subjects in the colonies, it is hereby further enacted, that if any act of parliament shall be hereafter made for the purpose of such regulation or trade, the produce of the duties thereby laid, shall be held by the collectors, or receivers of his Majesty's customs, for the disposal of the general assemblies, as if the same had been levied by the authority of the several general assemblies in the said colonies.

"And whereas, during these troubles, the assemblies, or inhabitants of the said colonies, have formed a general meeting, which said meeting was not authorised by law to make any order or resolution, or to do any other act of force, to bind his Majesty's subjects. And whereas it may be necessary, that the said colonies should have authority to do certain acts by common consent, which should include the whole body of the said colonies. Be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, to give authority to his governors in America, to require the said several assemblies to send deputies to a general meeting, with full powers to bind their said several provinces, to all acts done by a majority of voices in the said general meeting, which meeting, and the powers thereof, shall cease and determine on if not further continued by parliament.

"And whereas, in consequence of the late troubles, several acts of parliament have been made for the purpose of coercing and restraining the colonies, of which an advantage has been taken to represent the same, as if a design had been formed to deprive the people of the said colonies of several rights, benefits, and advantages of nature, and of the British constitution, which hath greatly increased the discontents of the colonies, and fomented the troubles in America. In order, therefore, to quiet the minds of his Majesty's subjects in America, and to reclaim the disobedient by that lenity, which ought to have the strongest operation on the minds of free subjects, be it enacted, that an Act made in the 7th year of his present Majesty, entituled 'An Act for granting certain duties in the British colonies and plantations in America, for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoa nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks, payable on China earthen-ware, exported to America; and for more effectually preventing the clandestine running of goods in said colonies and plantations.' Also one other Act, made in the 14th year of the reign of his present Majesty, entituled 'An Act to discontinue in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town, and within the harbour of Boston, in the province of Massachuset's Bay, in North America.' Also one other Act, made in the 14th year of his present Majesty, entituled 'An Act for the impartial administration of justice in cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the province of Massachuset's Bay, in New England.' Also one other Act, made in the 14th year of the reign of his present Majesty, entituled 'An Act for the better regulating the government of the province of the Massachuset's Bay, in New England,' be hereby severally and respectively repealed.

"And the King's most excellent Majesty taking into his gracious consideration the great troubles, discords, and wars, that have of late been in some of his Majesty's colonies in America, and that divers of his subjects are, by occasion thereof, and otherwise, fallen into, and become obnoxious to great pains and penalties, out of a hearty and pious desire to put an end to all suits and controversies, that by occasion of the late distractions in Ame-

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rica, have arisen, or may arise, between his subjects; and to the intent, that no crime whatsoever, committed against his Majesty, shall hereafter rise in judgment, or be brought in question, against any of them, to the least endamagement of them, either in their lives, liberties, or estates, or to the prejudice of their reputations; and to bury all seeds of future discords and remembrance of the former, as well in his own breast, as in the breasts of his subjects, one towards another; is graciously pleased, that it may be enacted, and be it enacted, &c. &c.

"That all and all manner of treasons, misprisions of treasons, murders, felonies, offences, crimes, contempts, and misdemeanors, counselled, commanded, acted or done since the by any person or persons in America, before the by virtue, or colour of any command, power, authority, commission, warrant or instruction from his Majesty, or from any other person or persons, deriving or pretending to derive authority, mediately or immediately, from his Majesty, or of or from any assembly, council, general court, convention, congress, or meeting, in any of his Majesty's colonies in America, called or reputed, or taking on them the name of the assembly, council, or general court, of any of his Majesty's colonies in America, or of a general congress, or provincial congress; or any other name or style whatsoever, or by virtue or colour of any writ, commission, or instruction of or from any person or persons, reputed, or taken to be, or claiming or exercising the power of commander in chief of the continental army in America, or of any provincial army, or commander of any army, or body of troops whatsoever, within any of his Majesty's colonies in America, by sea or land, or of any magistrate or officer, within any of the said colonies, or by any pretence, warrant, or command whatsoever, from them, or any of them, or their, or any of their respective counsel or counsels, or any member of such counsel or counsels, or from any person or persons whatsoever, deriving, or pretending to derive authority from them, or any of them, be pardoned, released, indemnified, discharged, and put in utter oblivion.

"And that all and every the person and persons, acting, advising, assisting, abetting, and counselling the same, they, their heirs, executors, and administrators, be, and are hereby pardoned, released, acquitted, indemnified, and discharged from the same; and of and from all pains of death, and other pains, judgments, indictments, informations, convictions, attainders, outlawries, penalties, escheats, and forfeitures, and every of them, and all grants thereupon made, and all estates derived under the same, be and are hereby declared and enacted to be, from henceforth null and void; extinguishing all actions, suits, demands, and prosecutions, civil, or criminal, public or private, except for the restoration of such estates, as have been, or shall be, seized from the owners, during the troubles; and for restoring to the said owners the mean profits of the same. Provided, that arms not taken up by his Majesty's authority, shall be laid down by our subjects in the said provinces, within ."

The Hon. *R. B. Walsingham* seconded the motion.

Mr. *Welbore Ellis* replied to Mr. Burke; and urged that the greater disposition Great Britain shewed towards conciliation, the more obstinate, rebellious, and insolent America would become.

Sir *George Savile* supported the motion, which not only involved in it the liberties of America, but even those of Great Britain; for it would be the height of credulity and madness to expect that Britain could long retain her constitution inviolate, if America were reduced to a state of unconstitutional subjection. The ministers have often said, they do not know what America wants, for that she is every day rising in her demands. He could very easily imagine the leading people of America, the congress, to be like the ministry. A number of men perhaps not thoroughly united. We have the noble lord (North) who is one day for conciliation; but as soon as the first word is out, he is checked and controuled, and instead of conciliation, out comes confusion. He declared, upon his word, the noble lord's character and frankness ought not to be so treated. He is used as if he was meant to be made a fool of. He could suppose the people in the Congress pulling different ways, as they do here. Now, said he, suppose we are the Congress. The leading men sit there, (pointing to the Treasury bench) for instance; the learned gentleman (Mr. Wedderburn) for his quiet and temperate character, spirit of moderation, deep philosophy, love of liberty and his country, I will suppose is Dr. Franklin. I have fixed upon him, besides, as his particular

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friend. His neighbour, (lord G. Germain) is general Putnam. His next neighbour (lord North) is Mr. Adams. And there is a gentleman there, I can suppose to be Mr. Hancock—I beg your pardon, Mr. Speaker, (bowing to the Speaker) you are Mr. Hancock. Now I will suppose all these great men got together; and our Dr. Franklin to take up the defence of the colonies, with all that wit and eloquence of which he is master. I will only suggest the topics upon which he would talk. Here sir George put all the strongest words and arguments in defence of America, into the mouth of this supposed Dr. Franklin, and went on in the same manner with the other supposed persons.

Sir *Grey Cooper* insisted, that the surest means of amicably adjusting the differences between the two countries, and settling their respective rights on a solid basis, would be to show, that any concession on our part proceeded from our love of justice, not from dread of the resistance we might meet with in the execution of our designs; the stronger we were, therefore, the more dignity and effect our negociations would have.

Lord *Ossory* was for the motion. He disapproved of the dangerous experiment of fomenting a civil war, and the obstinacy, if not worse, of prosecuting it at so great a risk, and at such enormous expence.

Mr. *Henry Dundas* was against America, and in support of the power of the state, and the supreme legislative authority of parliament.

Lord *John Cavendish* was for the motion, and severe upon the ministers, particularly upon the want of union among themselves. He said, it was one day peace, another war; one day it was the commerce only of America that was worth preserving; next day every thing was to be sacrificed to the supreme, undefined authority of parliament; and the last day, (upon the land tax) he perceived the minister returned to his former ground, and absolutely and expressly contended for the right of taxation, the exercise of that right, and that too for the purpose of raising a revenue, in order to lighten the burthens of this country.

The Hon. Mr. *Fitzpatrick* was for the motion. He declared his good opinion of the gentlemen in administration, with whom he had acted till that day; that he now must differ from them, because he was convinced their measures were ruinous, and the object impracticable.

Mr. Adam was against the motion, Mr. Sawbridge for it, and colonel Onslow against it.

Mr. *T. Townshend* was for the motion. He arraigned and condemned administration in severe terms.

Governor *Pownall* was sorry that the House had gone into the question of the right of taxation, on a proposition, which waving that question, was moved solely on the ground of expediency. The gentleman who moved it had studiously avoided touching upon the right, and yet the House had been now near seven hours talking upon a subject, which had nothing to do with the question of the day. He was sorry to find, that this discussion had been carried on with mutual reproaches of parties. So long, said he, as the House will dwell upon this point, and so long as parties shall be, as they always are on this point, more solicitous to discriminate their own principles, to defend the rectitude and consistency of their particular line of conduct, in reprobation of that of others, we never can come to any real settlement of this matter.

It seems now, at length, high time to say something to the real question before you. He said if he had risen earlier in the day to speak, he should have followed the hon. gentleman through the whole of his reasoning, as well as examined the proposition with which he concluded; but now, after so long a debate, and at so late an hour, he should confine himself simply to the proposition. In the stating of it, he begged the attention of the gentleman, that if he mis-stated it, he might be corrected.

The hon. gentleman has stated this business as lying in three lines of consideration, or three plans, on which it might be taken up. The first was direct war; the second, a mixture of war and negociation; and, thirdly, his plan of concession, previous to all treaty; that is, concessions made as preliminaries to peace. The first part of his speech endeavours to prove, that war was impracticable; his second part was taken up to shew, that the mixt plan, as he calls it, must be a series of fruitless perplexities. He says, it was necessary to dispose of these two ideas first, that he might make way for the third, his own plan. In his manner of doing it, he has justified the propriety of moving the previous question; because, Sir, if his plan

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cannot be considered till the next plan, which he supposes to be the minister's plan, is disposed of, we ought to know, first, what that plan is, and not be satisfied with his disposing of a phantom of his own raising, which he supposes to be that plan. The speech from the throne informs us, that there is some plan of pacification: we may take assurance, that the ministers must lay that before us; according, therefore, to the hon. gentleman's own method prescribed, we must dispose of that before we can come to the consideration of his plan. But if there was not that reason, from his own idea of the method of proceeding, I cannot but think it decent to consider, first, that plan, of which the speech from the throne has given the first notice, and not to suffer it to be anticipated by the intervention of any previous plan. If that gentleman had on any occasion given notice that he would offer to the House propositions on any particular subject, and if after such notice, any other gentlemen should endeavour to anticipate him, by getting a previous day, I would certainly, in such case, move the previous question on that gentleman's motion, as I shall on this of the hon. gentleman to-day.

He says, Sir, such is the state of this American business, that we must either change their sentiments by negociation, or subdue the rising spirit; that we cannot subdue the spirit which is up, by war; that we cannot change it by any negociation, which, while war lasts, we can enter into; we must therefore previously make concessions; we must disavow our declaration; repeal our acts; sue for peace, and the Americans will give it to us, on his plan; we must previously regain their confidence, "by removing the ground of the difference:" on the plan he proposes, we shall restore the former unsuspecting confidence of the colonies. This, Sir, is the very question now before you. Let us, then, consider, the concessions which he proposes, and examine, by the best rule and only judge in this case, experience, what effect these concessions will have? He says, that as the Americans did, on the repeal of the Stamp Act, resign themselves to their unsuspecting confidence, and were perfectly satisfied, so will they now, if his plan is adopted; and he has read from the journals of the Congress, their words as his authority: but as he has not read all their words, nor all the sentence, let us see how the whole stands. "After the repeal of the Stamp Act," say they, "having again resigned ourselves to our ancient unsuspicious affections for the parent state, and anxious to avoid any controversy with her, in hopes of a favourable alteration in sentiments and measures towards us, we did not press our objections, against the above mentioned statutes made subsequent to that repeal." So far then, it appears from having no suspicions, they had objections; objections to Acts passed subsequent to the repeal; and these Acts are specified in their resolves and proceedings to be acts of 1766; the Declaratory Act, and the Act for granting duties in lieu of others repealed. When, Sir, instead of alterations of sentiments and measures towards them, one law was made, proposed by this gentleman's friends, declaring a power to bind them in all cases whatsoever; and one other, reciting, that although it was proper to repeal certain rates and duties on account of their inexpediency, yet it was necessary to grant others in lieu of them, to his Majesty, his heirs and successors, to be paid into the exchequer and reserved for the future disposal of parliament; their content vanished, they relapsed into their suspicions, they began to come forward with their objections, and the New York petition was the first symptom of this. But, Sir, they not only were not, in fact, but they could not on the principles from which they opposed our system, be content. They objected to all laws laying duties for the express purpose of a revenue. The 6th Geo. 3, c. 52, granted duties to his Majesty, his heirs and successors, to be paid as a revenue into the exchequer, and to be there at the disposal of parliament. Many laws prior to this period, gave and granted duties, and appropriated them to the purpose of revenue. We have heard much of the Act of Navigation, and by some mistake, gentlemen under that idea refer to the Act of Trade of the 25th Car. 2. The Act of Navigation directs that all the commerce of the colonies shall be carried on in British shipping, and enumerates a certain number of articles of the produce of the plantations which are to be brought to England only. The Act of Trade says, that there shall be answered and paid to your majesty, if bond shall not be first given to bring such commodities to England, the rates there specified. Here we find the precise idea of duties laid as a regulation of trade. But in 1696, in king William's reign, we find for the first time, these duties converted into a revenue;

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they are directed to be paid whether bond be given or not. Revenue officers, under the directions of the Lord High Treasurer, are established. If therefore we are to repeal all Acts which grant duties as revenue, in 1696, not in 1764, was the system changed. If therefore on that principle we go back to 1763, we must of necessity go back to 1672. But lest gentlemen should doubt whether duties granted to his Majesty were ever before 1764 appropriated to revenue, let them refer to the Civil List Act, of the 1st of Geo. 1, there they will find that the plantation duties, which by the 25th Car. 2. "were granted to his majesty, his heirs and successors for ever, shall be brought and paid into the receipt of the exchequer, for the purposes in this Act expressed," namely, the forming a fund for the civil list. But, Sir, before this time the tax of six-pence a month laid upon all American seamen, and always paid by them, was laid in king William's time, for the purpose of augmenting the revenues of Greenwich Hospital. The Americans require the repeal of the Post-office Act, of the 5th Geo. 3; that act, Sir, laid no new duties, it made new regulations; but it was the Post-office Act of the 10th Anne, which granted duties in America for the purpose of enabling her majesty to carry on the war. It appears therefore, as they were not, so they could not, be content with what was done in 1766.

But to come to the precise proposition of this day. It is a proposal of a Bill formed on the resolutions which the gentleman moved last year; and that proposition, although grounded first, on the complaint which the Americans make of their grievances; second, on the declaration of their rights; and third on the plan of the preliminaries which they throw out; although they require, as such preliminary, that we should go back to 1763, —that proposition does not extend to a full remedy of their grievances, and to their idea of their rights; it does not go even to 1763, it goes only back to 1766. It is very ready to repeal every Act, except the Acts of the administration of that gentleman's friends. The Declaratory Act is not to be repealed. The Revenue Act of the 6th Geo. 3, is not to be repealed. Let us first see what the effect of this plan of concession made last year, was: it came last year in resolutions, it is now formed into a Bill. Why, Sir, since this plan was proposed, the Congress, reiterating their demand of the repeal of all the Acts of revenue and restriction since 1763; specify particularly the Declaratory Law, and the Revenue Act of 1766. After having recited fifteen heads of grievances, hear what they say in their own words: "But why should we enumerate our injuries in detail? By one statute it is declared that parliament of right bind us in all cases whatsoever. What is to defend us against so enormous, so unlimited a power?"

Upon the effect which this plan has had last year, we may fairly put the issue of the effect that may be expected from it this year, especially when this year we find in the preliminaries of the Congress, the removal of the troops as well as concessions; which does not make part of this gentleman's plan. Whatever expectations that gentleman may have of confidence from the Americans, in consequence of this plan, he may be assured, that while the Americans are very willing to avail themselves of the assistance of him and his friends, other persons will have their confidence. The gentleman and his friends bid as low as they can in conscience go; but others have bid lower: some are ready to go back to 1763; others think you should still go farther. The Americans expect that we should go farther; for see on what ground they put themselves, when they ask only the repeal of the revenue and restrictive laws passed since 1763. Take it in their own words: "Resolved, That the Congress do confine themselves at present to the consideration of such rights as have been infringed since the year 1763, postponing the further consideration of the general state of American rights to a future day."

From the first spring of this sad business, having been for modes of policy in preference to measures of force, I have always thought, and invariably said, that your system called for revision and amendment; I have been against all partial concession and repeals. I think it should be laid on some basis, which is solid and may be permanent; on such whereon the liberties of America being fixed, the sovereignty of the empire might be established. Repeals upon every partial complaint, and concessions upon every clamour, is not the way; this would produce nothing but endless successions of quarrels, and patching up of those quarrels. *Inducíæ, bellum, pax rursum.* It should be taken up on some great and general system. And such I now expect, and shall therefore,

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although I give no negative, move the previous question on any parts of a scheme moved on partial grounds, that of previous concessions.

But to consider the purport of the Bill itself. Although it is grounded on the complaints of the American grievances, and of the violation of their rights, it does not go to the redress and remedy. They complain of laws, laying duties, and granting them for the express purpose of revenue; yet it goes only back to 1766. You have seen that the remedy to be real and efficient must carry us back to 1672. They complain of the Admiralty jurisdiction: now that, Sir, is as old as the Act of Navigation. By that Act, ships navigated contrary to law were to be seized, might be brought to the court of Admiralty in England, on the express principle, that there should be no party juries. For the ease, and not the aggrieving of the subject, courts of Admiralty were afterwards established in the colonies, and all this system stood established before the period of 1764. To my argument it is nothing how far this is right or wrong, grievous or otherwise: but the Americans complain of it as a grievance; and if the Bill which is to redress their grievance, and to concede to their complaints, must go to the bottom; if it means or hopes to gain their confidence—this Bill does not go far enough—there are others who are willing to go further.

On this ground, he said, that the present proposition would not produce the effect it proposed; that it was but a part of a system proposed as an expedient, or rather an experiment to a partial purpose. On the assurance that this business of America would be now taken up on some great and general system in the whole, and the Speech had announced some plan, which from the method adopted by the hon. gentleman should be disposed of first, he moved the previous question.

Lord *George Germaine* said, as he had held but one conduct in this American business, as he had been direct and explicit in that conduct, he now entered into office on the same principles, on the same line of conduct, and he hoped he should be always found decisive, direct, and firm in it. On the point of the legislative authority of this country, he should always maintain that sovereignty which was established and founded on the constitution. On the point of taxation, although he should never concede the right, he should never object to the withholding the exercise of it, if other modes could be adopted. But if we are to have no peace, unless we give up the right, the contest is brought to a fair issue; we are equal to the contest; our internal resources are great; and we can never despair of that assistance which we may want.

Gentlemen call for answers to several questions: I stand forth, as far as my judgment can, and my advice goes, to give an answer. Are we, say some gentlemen, to give up taxation? Are we to have no American revenue? I do hope we shall; I trust we shall draw a revenue from America. Whether that shall be by the exercise of our right of taxation, or whether by any other mode, I do not think material. If the Americans, willing to join their aid to the common supply, and willing to share our common burthens with us, can propose any mode which will make them easy, which will remove their fears and jealousies, I shall be ready to adopt it. I wish they were in the situation of the year 1763, if the government of this country was so likewise. If our present system is wrong, let us avow it; consider and rectify it. They have a right to every liberty which they can enjoy, consistent with the sovereignty and supremacy of this country. Let them be happy. Nobody can wish them more so than I do. But I have never changed my opinion as to the legislative supremacy of this country. What I have always held, I now stand in office to maintain. To the questions; What force is necessary? What do you mean to send? I answer, that the officers serving on the spot, those especially commanding, are the proper judges. What they, upon a full state of the service, think necessary, as far as my advice can go, shall be sent; not to be insulted. Such forces as are necessary to restore, maintain, and establish the power of this country in America, will not be wanting.

Much has been said about the plan of sending commissioners. My idea of that measure is, that they should not only have power to pardon, but to inquire into grievances; and if the Americans, returning to a sense of their duty, should offer terms (not with arms in their hands) they should be empowered to consider, and on their submission, to take off those penal restrictions under which, from the nature of their conduct, the Americans now lie. If, by opening a door to retreat, the crown tries to induce them to lay down their

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arms, what can it do more? If they persist in their appeal to force, the force of the country must be exerted. The spirit of this country will go along with me in that idea, to suppress, to crush such rebellious resistance. As to the gentleman's proposition, I think it has been fully proved, that it would not answer the expectation of those in America, whose confidence he meant to gain; that it does not go so far as they expected; nor so far as some here would go; and previous concessions, as gratuitous preliminaries, whether accepted or not, without any thing offered on their part, would put us on worse ground, and remove the matter still further from the conciliation he proposes. I am therefore ready to give my negative to it, or rather, to join in the previous question.

Mr. *Fox* was for the motion, and very severe upon administration. With infinite wit and readiness, he gave a description of the Treasury-bench, beginning with Mr. Ellis, and ending with Mr. Cornwall, by a single epithet, happily marking the characters of each of them, with fine satire, and without the least breach of decorum.

The *Solicitor General*, in answer to Mr. Fox, defended administration in a fine vein of oratory. And in answer to an observation of Mr. Burke upon the conduct of Demosthenes, he entered upon classical ground, and with consummate eloquence and accuracy of recollection, descanted upon the history of that period, with allusion to the present times. His speech was a restoration to the House; and though it was three o'clock in the morning, awakened the attention of every man in it.

General *Conway* replied to the last speaker, and shewed, in a variety of instances, the futility of his arguments.

Lord *North*. I declare, that if I thought the motion would procure that conciliation which the hon. gentleman who made it has held out, I should be staggered. But it has appeared that this line of concession will not procure it; and it has been clearly marked to you, that this line is not sufficient. Therefore were I of opinion with the hon. mover as to repealing all the Acts he mentions, as I am as to some of them, these concessions would not procure the end he proposes, but put us upon still worse ground, and remove us farther from any conciliation this country can agree to. I think, for instance, that those penal and restrictive Acts which have been indefinite as to the term of their operation should be repealed, and the matter and purport of them thrown into one general Act, framed to be enforced during the continuance of the war. The hon. gentleman has in his Bill proposed to empower the King to call a congress in America. He has that power: has done it before, and may do it at any time. Besides, the proposed Bill confines the power of the crown to treat only with the Congress, therefore his Majesty can treat with nobody else, if there were any persons disposed to offer terms of submission.

A little before 4 o'clock in the morning the previous question was put "that the question be now put." The House divided. The Noes went forth.

Tellers.

YEAS	Earl of Upper Ossory - - Mr. Fox - - - - - -	105
NOES	Sir Grey Cooper - - - Mr. John St. John - -	210

So it passed in the negative.

Debate in the Commons on bringing in the American Prohibitory Bill.] Nov. 20. Lord *North* rose and moved, "That leave be given to bring in a Bill, to prohibit all trade and intercourse with the colonies of New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion within the said colonies respectively; for repealing an Act, made in the 14th of his present Majesty, to discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachuset's Bay; and also two Acts, made in the last session of parliament, for restraining the trade and commerce of the colonies in the said Acts respectively mentioned; and to enable his Majesty to appoint commissioners, and to issue proclamations in the cases and for the purposes therein to be mentioned." His lordship explained the necessity of restraining the Americans from all trade during the present rebellion, and the justice there would be in immediately taking off the restraint from such colony wherein it might cease; that the Boston Port Act, and the Acts passed last year, being framed upon other

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grounds and for other purposes, would stand in the way of this operation; that the restraining Bills were civil coercions against civil crimes; but we being now at war, the provisions were incapable, and other provisions were necessary: those provisions he now proposed were such as would be made use of in case of war with any country in the world; but they were framed under such provisos as might open the door of peace upon its first approach. That if we were ready also to repeal the Charter Bills, yet he could not do it while they denied the right that we had to make them; that as to the Bill for the administration of justice, there was no need to repeal that, because the country being in actual war, martial law took place, and there were no courts of justice in which it could operate; it was a temporary Bill for three years, two of which are expired; and it would cease of itself. That he should also be ready to repeal the tea duty on the same grounds, that he would suspend every exercise of the right of taxation, if the colonies themselves would point out any mode by which they would bear their share of the burden and give their aid to the common defence. The purport of the clause respecting the commissions, had been very well explained the other day by a noble lord (George Germaine,) that it meant besides the granting of pardons that they should enquire into any matter of change of circumstances in which the colonies were now, from the time they were when the laws were made: if there were any matter of real grievance that could be remedied, that they were to have the power of judging whether any part or a whole colony were returned to that state of obedience, that they might declare that colony or part to be in peace, upon which the restrictions in the present Bill were so formed as to cease. He found that what he said the other night, under a state of fatigue and indisposition, had led people to conceive he was so far tired out with this business, that his administration was drawing to a period; he therefore begged to repeat what he always had said—how happy he should be to decline the arduous task to which he might, perhaps, in point of abilities, be unequal; yet in point of good intentions, he had no other end in view, no not for a moment in any time, but the public service; meaning at all times to conduct it with the least burden to the public; on those occasions where severity was necessary, to alleviate that, as much as the common safety would permit; and to withhold it, whenever the public safety did not absolutely require it. That there were two grounds, upon which every minister ought to stand: the first was, that the king had an undoubted right of naming his own servants: the second, which formed the happiness of this country, that if the people by their representatives did really disapprove the measures of any minister, to that degree that they would not go along with him, the king, however he might approve such minister, could not carry on business by him, and must part with him. That this business of quarrel with the colonies about taxation, was begun and prepared for him before he engaged in it as a minister; that he took it up, not when it was a question whether it was right to tax the colonies or not, but when they disputed our having any such right, and at a time when this country was determined not to give it up: as he engaged when this dispute was actually begun, he was bound to see it through; and if the colonies, by appealing to arms, had made war the medium, although peace was the only point he ever retained in his view, he must pursue it through that medium: being thus engaged, he did declare, that unless the King dismissed him, or a majority of the House, disapproving his conduct, desired his dismission, he would not give up the conduct of this business to any body else. As to the means of conducting the war, he declared there never was any idea of employing the negroes or the Indians, until the Americans themselves had first applied to them: that general Carleton did then apply to them; and even then, it was only for the defence of his own province. As to the events of the war, things wore a much better aspect at present, than a little while ago; that Halifax was now absolutely safe; that there were indeed two expeditions against Canada, but he did hope that Canada would not fall into the hands of the rebels. He would almost venture to say that Quebec was safe; but he begged the House would not understand him as promising that: his own opinion was, that it would not fall into the hands of the rebels.

Mr. *Fox* said, that this proposition was cutting off and destroying all trade with America. If the noble lord's other measures had not done it, this would effectually. Though they had not at present the manufacturers at their door, he prophesied they would have them next year.

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The true intention of this Bill was, to break up the manufacturers, who, through want of subsistence, would be obliged to enlist, and thus the noble lord thought he should recruit that army which would not otherwise be recruited. That as the noble lord had now proposed repealing three oppressive Acts, he begged to ask him, as a man of honour and a gentleman, whether he did not wish that he had adopted the opinion of the noble duke (of Grafton) who was first lord of the Treasury, when the repeal of the tea duty was moved in that House, and supported it? He repeated, there were differences of opinions amongst persons high in office at that time; and he asked the noble lord whether he did not now wish he had been of opinion with those who were for repealing that duty, because they saw and therefore wished to avoid that chain of misfortunes, which the continuance of it had drawn after it? This proposition of peace, he said, like that of last year, was meant to lead on this country under a delusion of flattering hopes of peace; and to endeavour to deceive, which it would not do, the Americans, that this country wished for a peace of the description which the noble lord held out, or were unanimously determined to prosecute the war, if such peace could not be had. The whole was insidious, and therefore could have no other effect upon the Americans than to destroy their confidence in government, if any yet remained. If the Americans should believe the spirit of this country was unanimous against their rights, they had nothing to do but prepare immediately for war, as their only defence against a system of despotism. That this proposition, therefore, was a declaration of perpetual war; and if he gave his vote for it, he must consider himself as giving his vote for a declaration of war. However, as he had always said, that he would support any measure of reconciliation, he should go so far with the noble lord, as the repeal of the three Acts he mentioned. Therefore he moved the following amendment. To leave out from the word "Bill" to the words "for repealing," and to leave out from the words "respectively mentioned," to the end of the question.

Sir *George Hay* said, the question was not now, either of a declaration of war, or of the mode of conducting it, but how to get out of the war. This was the first Bill of vigour that had been offered, and therefore he should be heartily for it. He then said many things upon doctrines of resistance, according to the principles of the Revolution; in particular, that if any unlawful, or even any lawful power was exerted in an arbitrary manner, against the constitution, those who had a right to defend and maintain that constitution, had a right to resist it; but that there had been in this case, no violation of the constitution, either by the exercise of an unlawful power, or of any lawful power in an arbitrary way. He owned that many of the laws, formed for the state of the colonies in their infancy, might be burdensome, and the occasion of grievances, by being inapplicable to their present state; that those laws ought to be revised: that even the Acts of trade might be somewhat relaxed. If the monopoly of trade cannot be maintained or secured, the colonies might be encouraged in all manufactures not injurious to this country, and they might be obliged or compelled to take from us our manufactures: but these were matters for a time of peace, not for the present, when we are engaged in a question of power; until that was settled, it was nonsense to talk of our making regulations, the right of making which was disputed, and the power of carrying them into execution opposed by arms. His idea, therefore, was, that at present the Americans are in actual rebellion; but if other gentlemen are of opinion that they are in a state of resistance which they justify, they are called upon to take up their defence, not by speeches in this House, but by arms. Why do not they go and join them? That would be the true mode.

Lord *Howe* did not know any struggle an officer could have, serving on the present occasion, so painful as that between his duty as an officer and his duty as a man. However he suffered, if commanded, his decided duty was to serve. He did apprehend that all this an hon. relation of his had felt: it was what he himself felt very sensibly; and if it were left to his choice, he certainly should decline to serve.

Lord *Frederick Campbell*. Sir; when those gentlemen who repealed the Stamp Act came into that measure, they did not venture to do it without bringing in the Declaratory Bill, to mark the sovereignty of this country, and to shew that they did not give it up. No man or party now in the kingdom dared to repeal the Declara-

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tory Act; even a great minister,* whose measure the repeal was, when he quoted Prior—

'Be to her faults a little blind,
'Be to her virtues very kind;

every body knows the next line, which he did not quote,

'Let all her ways be unconfin'd.'

If that great minister did not venture to hold that language, I may assert, no other man in this country would.

General *Conway*, thinking as he did, that the interest of this country depended upon an union with America, and that the union would remain so long as that interest was rightly pursued, did not see the necessity of the declaratory law: he thought it right that the supremacy of this country should be established to all points which were necessary, but not to taxation: he had flattered himself, that the idea of taxation had been wholly given up; but since a noble lord had come into office, it seemed as if the dispute on that question was revived. He thought the fire had been smothered, but since that noble lord came into office, he had uncovered the ashes and blown the flame afresh. Our supremacy over the colonies is of the essence of our relation to them: but, may I not make an exception? There is no law without an exception. The Houses of Lords and Commons have each of them their rights, which are generally understood: but if we were to go into disputes, with all the prejudices of each House respecting power, we could do no business, and there would be an end of parliament. For argument's sake, therefore, I may allow, that our right of taxation is a clear and distinct right, which in my conscience I believe to be no right; yet, would it be for the interest and good of this country to go to war about exerting it? As to the forces of the two countries; speaking of our own, however high our discipline might be supposed to be, yet compared with many other countries, it would be found very inferior; but yet that the courage and spirit of our people supplied that defect. That the forces of America, though certainly inferior to ours in discipline, were already much beyond any thing we had any idea of, and would in the course of war be as well disciplined as ours. In point of courage, he could make no distinction wherever a Briton dwelt: but this every body must remark, that there was a certain spring and zeal, which an animation for liberty always gave, beyond any other cause. Supposing each party to have an army of 50,000 men, he thought the Americans would prove a match for the British troops, as they contended upon principle for liberty, which he thought would render them superior to our advantage from discipline. As to that part of the proposed Bill which related to the commissioners, he could say little, as nothing had been explained; only that so far as his opinion and vote went, he would never trust any power to any commissioners, without a distinct line laid down in parliament. The subject of military obedience having been started, it might, in the eyes of some, look like an unworthy shrinking from the question, if he did not say a few words to it. He did not imagine there could be any struggle in the mind of a military man so dreadful, as any doubts of this kind. There was a great difference between a foreign war, where the whole community was involved, and a domestic war on points of civil contention, wherein the community was divided. In the first case, no officer ought to call in question the justice of his country: in the latter, a military man, before he drew his sword against his fellow-subjects, ought to ask himself, whether the cause was just or no? He quoted the story of the massacre of St. Bartholomew, and the answer of the count de Torden, and concluded with saying, that if he thought of this case as de Torden did of that, all emoluments, nay the sacrifice of what people in his situation held dearest, their honour, all this would be nothing in the scale with his conscience: he never could draw his sword in the cause.

The *Attorney General.* Let the hon. gentleman justify his conscience to himself, but not hold it out as a point of doctrine to be taken up in a certain quarter and line of service, where his opinions might be supposed to have very great influence; for if those opinions were once established as matter of doctrine, they must necessarily go to a dissolution of all government. Turning to Mr. Burke's late proposition, he said, however amusing and ingenious it was, it drew to no conclusion, and though called a proposition, ended in no proposition at all: it talked of conciliation and union between Great Britain and her colonies, without stating, in any one instance, the relation in which

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* See Lord Chatham's Speech in the House of Commons, January 14, 1766; vol. 16, p. 108.

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they do or ought to stand. He gave an account of what he called the general spirit of opposition, in which, having got beyond all line of reasoning, they did nothing but scold at arguments which they could not refute. He now clearly understood lord North's proposition, and approved of it, because it retained the habitual exercise of taxation, and left an opening to America, of a permission to raise her share of supply towards the common defence, by granting it in her own assemblies, and giving it in her own way. On this ground he was willing to coincide, not only in a plan, but in any thing that might give a ground for a conciliation with America; yet he thought, the only sure and permanent ground would be to define the relation between the mother-country and her colonies. He added, that as Attorney General, he had a right, by writ of *scire facias*, to set aside every charter in America: but that in our present situation such a process would be justly the object of ridicule, for the conduct of America was not a matter for judicial but parliamentary animadversion.

Mr. *Burke*. The plan of this year is to enforce the conciliatory motion of last year by military execution. To the charge of not having defined the relation between Great Britain and her colonies, he replied, that the silly, wicked attempt to define it, had been the first and continued cause of their present disunion.

General *Conway* very seldom recollected the words he had used in the heat of argument, and could not therefore recollect what might have been his words on this occasion: it was a peculiar part of his character, upon any point in which he was warm and interested, as he always was on this business of America. He might probably use strong expressions, which went beyond the line of his deliberate opinion; if he said any thing which carried a sense, such as that which had been imputed to him by the Attorney General, he did not mean it; what he meant to say, was, that if he thought the cause positively and directly unjust, it might so press upon his conscience, that he might decline serving in it.

Governor *Johnstone* would make no apology to the House for the late hour of the night; for let the hour be what it would, the subject was of that importance, no hour could be too late for the mature and deliberate consideration of it. I will now tell you as a sailor, that you will destroy the West India trade by this barring up of the ports of North America; and if you should not do that, you will at least double the insurance on that commerce and navigation; you will starve the islands, and uniting them in the same cause with North America, drive them to revolt also. He said, that administration had both used unlawful power, and lawful power, arbitrarily. Great Britain is the only government in the world which has found out the art of carrying power to the distant parts of the empire, by satisfying the people that they are in security against oppression. You cannot govern the colonies without carrying this power to the spot; instead of sending it with the necessary and constitutional checks, you are going to send out a commission to exercise, not the constitutional, but the dictatorial power of the crown.

The House divided upon the amendment. For it 64; against it 192.

Debate in the Commons on Mr. Fox's Motion for an Account of the Expence of the Army in America.] November 22. Mr. *Fox* moved, "That there be laid before this House, an account of the expences of the staff, hospitals, extraordinaries, and all military contingencies whatsoever, of the army in America, from August 1773 to October 1775, inclusive." He had drawn up the motion in these words, because it would lay open an astonishing scene of ministerial delusion held out by the pretended estimate laid before the House a few days ago. It would bring the staff into the full glare of day, which had been hitherto artfully held back; it would shew, that the expence of the ordnance this year had exceeded any one of the duke of Marlborough's campaigns, while in the midst of repeated victories, he was immortalizing the British name; and it would convince the greatest court infidels, of the temerity of the minister, who, to the very last day of the session, insisted and declared, that the military service, in every branch, and under every description, was amply provided for; that all his arrangements were made; and who thus durst, in the bare article of the ordnance alone, incur a debt of upwards of 240,000*l*. He said it would be a farce to sit any longer in that House, if accounts of this nature were refused; that the motion was parliamentary; that it would convey no secret to the enemy; and within his own knowledge or reading, he

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never heard of an instance where such information was denied, unless in instances where it was impossible to comply with them; such as the accounts desired not having been received, or officially made up. Aware of this, he would be perfectly satisfied with copies of those already come to hand, or of gross computations made by estimate, and wait with pleasure for the remainder, till the ministry could venture to face the public, and an ensured majority, with the disgraceful contents.

Lord *North* said, that part of the accounts were on the table; and that the hon. gentleman would have them all regularly at the proper season.

Mr. *Jenkinson* said, part of the accounts now called for, came in under the head of services incurred and not provided for by parliament; and that the other part would come when the returns were received from America.

Mr. *T. Townshend* said, it was very difficult to collect the true meaning of what had fallen from the noble lord, and his confidential friend and powerful supporter who spoke last. He thought the hon. gentleman who made the motion had, by his candour and previous explanation, precluded them from resorting to such pitiful evasions, and manifest imposition. The hon. gentleman desired no more intelligence than what might be easily obtained, than what they had in their actual possession. But they very logically, at least very humorously, tell him, "We have not all the information you want in our power, therefore we are resolved you shall have none."

Mr. *Hartley* shewed the propriety of the measure on the ground of parliamentary usage, and predicted that administration would suffer more in the eyes of the public, by withholding the information, than by disclosing it. It was impossible but the nation at last must be convinced that their works could not bear the light, when they kept every thing in profound darkness.

Mr. *Burke* pressed the necessity of the motion, as it might be the means of informing the House of the probable expences of the next campaign, formed on the comparative scale, of the proportionate expence of an army of 8,500 and 25,600 men, which would be the respective military armaments of the years 1775 and 1776.

Sir *George Savile* observed, he had sat in some very compliant dutiful parliaments; but if the minister was able, by his magic influence, to put a negative upon this motion, the present would be one of the most polite and well-bred, he would not say slavish, and corrupt parliament, he had ever the honour to sit in. However, he did not think, that either the managers or the managed acted with sufficient dexterity and address, for they both had already a salvo for every thing. America is to be conquered; America is to be taxed; the expence will be great; but what of that? We shall not only conquer these rebels, but we shall likewise compel them to pay our debts, and bear our burdens. What occasion then for concealing an expence, which will be repaid at the rate of 1,000 per cent.? What occasion to send the poor country gentlemen, with their fingers in their mouths, or tongue-tied, down to their counties or boroughs, when they might at once be permitted to tell the truth. The last campaign cost one million and a half; this will cost five; but then we shall, in the end, be able to make America pay fifty! This would be acting like wise and firm ministers. It would be arming the country gentlemen with facts; they love good, round, strong, uncontradicted assertions; and if by next November our affairs should grow worse, and that we should be obliged to tell our constituents that the army and the land-tax must be doubled—what of that again? Why, let the ministers, as they rise in their demands, improve in their wisdom and firmness, and instruct the country gentlemen to tell their constituents at Christmas 1776, as they must tell them at Christmas 1775, that administration was deceived.

The motion was negatived.

Debate in the Commons on the Bill of Indemnity for employing Foreign Troops.] Nov. 24. The order of the day, for the third reading of the Bill to indemnify such persons as have advised his Majesty to send to the garrisons of Gibraltar and Port Mahon a part of the electoral troops of Hanover, during the recess of parliament, being read,

Mr. *Marsham* moved an amendment to the preamble of the Bill. He observed, that the words as they stood at present, declaring that, "doubts having arisen of the legality of the measure," were an insult upon the good sense of the House; for by what construction of law or reason, was it possible to presume a necessity of

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indemnifying the advisers of such measures, while the whole of the offence imputed to the supposed offenders was, that the measure was substantially legal, but that doubts had arisen in some men's minds relative to its legality? This was a mockery, he contended, too gross to be endured. He hoped, therefore, for the dignity of parliament, and the particular respect due to that House, that the noble lord, who brought in the Bill, would consent to amend the preamble, by leaving out the words "doubts have arisen whether the advising his Majesty to send such troops to such garrisons, during the recess of parliament, could be justified by law," and insert "the introduction of the said troops is not warranted by law, and contrary to the spirit of the constitution," instead thereof.

Mr. *Filmer Honeywood* seconded the motion. He insisted how dangerous soever the introducing foreign troops into the dominions of the crown of Great Britain, without the consent of parliament, might be, the precedent to be established by the present Bill would be infinitely more so; because it was plain it could not be intended to indemnify the minister, but to give the measure itself the sanction of parliament.

Mr. *Ambler* opposed the motion. He said, let the Bill pass as it is, it can do no harm, for it left the matter just as it found it; but for his part, he could not possibly discern the least occasion for a Bill of Indemnity, as where there was no crime committed, no indemnification could be required.

Mr. *De Grey* contended, that his Majesty's advisers were perfectly justified in the advice they had given. That the measure was necessary; and the necessity was a full justification of it. If the amendment was pressed, he thought the Bill ought to be withdrawn.

Mr. Serjeant *Adair* said, it was plain beyond question, that if his Majesty, by his royal prerogative, could introduce foreign troops in any part of the dominions of the British crown, he might introduce them in any number he pleased, and into every place he thought proper, in time of peace as well as war. He observed, that whether we considered the law as it stood anterior to the Revolution, or as it was then declared, it was evident, that even keeping a standing army of natives was contrary to law, much more foreigners, when the spirit of the constitution was considered.

Mr. *Morton* affirmed that the measure was legal, because it was taken in a time of war.

Mr. *Moysey* protested against the absurdity of declaring the law doubtful in a great constitutional point, and leaving those doubts to imbrangle posterity: he then entered into a discussion of the legality of the measure, which he argued was in direct violation of the Bill of Rights. He insisted, from both the letter and spirit of it, that the provision against standing armies was coextensive with this empire, and dwelt much upon the distinction between foreign war and rebellion.

The *Solicitor General* insisted upon the distinction between garrisons and troops at large, alleged many passages in the conduct of the legislature to warrant such distinction, even in the frontier forts within this island. He said the check which parliament had upon the crown in regard to the army, was the payment of the troops; if the measure was fit and beneficial to the public, it should be ratified, though it were against law; but, if unfit and inexpedient, should be condemned, though the letter of the law were with it.

Mr. *Adam* declared his opinion against the legality of the measure.

Sir *Adam Fergusson* insisted, that though this were admitted to be a time of war, yet the calling in a foreign army would always have wanted an indemnity; that both the literal and substantial meaning of the Bill of Rights clearly imported, that no military force whatever had a right to be kept on foot without the consent of parliament. The matter was indeed self-evident, for it fairly amounted to this, that if either the letter could be evaded, or the spirit explained away, it would follow that the law enacted nothing, and that the king of Great Britain might keep any number of forces he pleased on foot, without the consent, nay, against the declared sense of parliament.

Mr. *T. Townshend* said, the minister came before the House in a situation no minister ever before ventured. He had violated the laws of his country, and had the effrontery to come to parliament, not to be indemnified, but to make parliament testify that he had done nothing but what was perfectly justifiable.

Mr. *Burke* said he had heard of angelic parliaments, healing parliaments, diabolical parliaments, wonder-working parliaments, but never till now of a doubting parliament. He asked, did the gentlemen

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of the long robe, those of the Treasury bench, or the very worshipful corps calling themselves the King's friends, doubt? Because, if they did, he was certain there was not a single person in the House besides, who doubted that the measure was directly against law, and subversive of the constitution.

Lord *North* treated the arguments on the other side with some pleasantry, but did not answer them; and observed, that as the gentlemen on the one side were positive for the legality, and the gentlemen on the other side as positive for the illegality, he thought there could be no impropriety in stating the law to be doubtful.

The House divided upon the Amendment: For it 58; against it 131.

Debate on Mr. Alderman Oliver's Motion respecting the Authors and Advisers of the Measures against America.] Nov. 27. Mr. *Alderman Oliver* said, that the motion which he had then to make, related to the advising and counselling the King in matters of great national concern; an object of no small importance; it had ever been considered as such in this nation, and in all monarchies where the interest of the whole employed the attention of the individual; and must especially be considered so by those (amongst whom he ranked himself) who were most warmly attached to the rights and dignity of the crown, and most personally affectionate to the present monarch. The wisdom of our constitution had never at any moment, from its first establishment, neglected this most important province. The great council of the nation, the hereditary counsellors of the crown, the privy council, were all names with which we were constitutionally acquainted; and the oath appointed for the last made any arguments from him unnecessary to shew the superlative importance of the office. To these his motion had not any reference. Modern times, he said, had presented us with novel institutions, and we now talked familiarly of a cabinet council. Very modern times had brought us acquainted with something farther; and the present House of Commons would know (which preceding Houses did not) what was meant by an efficient cabinet council. Whether these were blemishes or improvements in our system of government, it belonged not to him to pronounce; for to these likewise his motion had not any reference. His motion went to those, who, not as members of any of the councils he had mentioned, but as something still more efficient, have the undoubted merit or demerit of counselling and advising to his Majesty the late measures concerning America, before those measures were brought forward in parliament. That there were such counsellors and advisers, he took to be an undoubted fact; and he must be permitted to entertain his own private opinion of the veracity and integrity of any intelligent person who should seriously and solemnly declare that he believed there was none of this description. He presumed it would not be denied that the unanimous opinion of an ostensible prime minister, a chancellor, and a responsible secretary of state, composing even this efficient cabinet council, had been overruled by this something still more efficient. There was one measure, and a measure which he conceived to be the most important and uncommon that ever was produced in an English parliament; the establishment of absolute despotism in Canada; the author and adviser of which remained to this moment unknown. Though approved, and admired, and adopted, as it had been, by parliament; yet no privy counsellor, no cabinet, no efficient cabinet counsellor, had ever yet assumed its merit; but all to whom it has been imputed, had invariably disavowed it. The unanimous complaint of all those who had been in administration during the present reign, as well as the frequent mortification and distressing embarrassment, self-contradiction, tergiversation, apparent inconsistency, and seemingly intended imposition on parliament, of those who were now in administration, all proved the existence of these unknown counsellors. He did not mean to charge the present administration with any real inconsistency in their opinions, or with any intention themselves of imposing on parliament; he entirely acquitted them of both. He believed them innocent of these charges, for they were obliged to give way to an efficiency they could not counteract, and in which they had not the smallest share. Now these super-efficient counsellors, for he knew not what other name to give them, were the sole objects of his present enquiry. Upon these the attention of the House should fix; as that of the nation had long been fixed. These he desired to have declared to that House authentically; and he desired it now, when they would enjoy the full popularity to which those mea-

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sures entitled them, which the sense of the nation was said to approve. And therefore he moved,

"That an humble Address be presented to his Majesty, humbly requesting, that his Majesty would be graciously pleased to impart to this House, who were the original Authors and Advisers to his Majesty of the following measures, before they were proposed in parliament—for taxing America, without the consent of its assemblies, for the purpose of a revenue—for extending the jurisdiction of the courts of admiralty and vice admiralty—for taking away the charter of the province of Massachuset's Bay—for restraining the American fishery—for exempting murderers from trial in America—for transporting accused colonists to England for trial—and most especially for establishing popery and despotism in Canada."

Mr. *Sawbridge* seconded the motion, which he did in compliance with the instructions of his constituents. He said, it was his opinion, that resistance was justifiable even to acts of parliament, if they were unjust and oppressive. He had himself once been in danger, together with the late Mr. Beckford and Mr. Townshend, of suffering unjustly by an act of parliament; for that one gentleman in the House (Mr. Ellis) had come prepared with a string of motions, on which to ground a Bill of pains and penalties, although the only crime of himself and his colleagues, was that of petitioning the King for a redress of grievances; but that this intended punishment had been overruled by one person in the cabinet, who had sense enough to foresee, that if they went on with persecution, instead of having one Wilkes to deal with, they should have five.

Mr. *Storer* thought the motion proceeded from a very unnecessary curiosity. As to the planner and original contriver of the measures, no doubt the noble lord at the head of the Treasury must be the person; and he could not see why all the other most excellent measures which his lordship had carried through, were not likewise enquired after, as well as those mentioned in the motion.

Mr. *Wilkes*. Mr. Speaker; the Address to his Majesty, which the hon. gentleman has moved this day, is so essentially different from all other late addresses to the throne, that I own it meets with my hearty concurrence. I think it, Sir, of the utmost consequence to know the original authors and advisers of this unjust, pernicious, and calamitous war, which has already deluged with blood a part of America, and spread horror and devastation through that whole northern continent. When so many provinces of the empire are already lost, and the rest actually engaged in a cruel civil war, we ought not to sit down in a criminal supineness. It becomes our duty, as the grand inquest of the nation, to find out and punish the delinquents, by whose fatal counsels such evils have been brought upon this convulsed and almost ruined state. We owe it to the people at large; and several of us have it in express charge from our constituents.

We are, I fear, Sir, on the eve of an eternal political separation from the western world, unless a very speedy reconciliation should take place. If the present motion happily meets with success, I am sure it will do more towards a sincere, lasting, and hearty union with America, than all the captious and fallacious proposals of administration. The Americans will then believe we indeed desire a reconciliation with them, and they will at length begin to have confidence in our counsels, when they see the vengeance of parliament fall on the authors of our common calamities. The principles of violence and injustice, which have hitherto prevailed, they will see, if the House is really in earnest to treat, yield to equity and moderation; a negociation on fair, equal, and just terms, may ensue, and a general tranquillity be re-established in an empire, which is now shaken to its very foundation.

I really think, Sir, this is almost the only method now left of extricating ourselves with honour and dignity from our present alarming difficulties. You have voted fleets and armies, and your forces figure greatly in the papers of the Secretary at War, and in the expensive estimates on your table. But the minister knows very well they are not equal to the mad project of subjugating the vast continent of America, nor do I believe the whole strength of this kingdom adequate to such an attempt. After a very bloody campaign you have conquered only one hill of less than a mile's circumference, for you were suffered to land as friends in the only sea-port town of any consequence which you possess. Would the noble lord, whom his Majesty has lately raised to one of the highest civil offices, if he were sent on a military service, would he ven-

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ture, even at the head of the whole British cavalry, to advance ten miles into the country? He would not, I am persuaded, be so rash, nor do I think his spirit quite daring enough to make the attempt. And is any minister weak enough to flatter himself with the conquest of all North America? The Americans will dispute every inch of territory with you, every narrow pass, every strong defile, every Thermopylæ, every Bunker's-hill. A train of most unfortunate events will probably ensue, and the power of recruiting, perhaps subsisting, your weakened forces, at such a distance, be lost. After an unavailing struggle of a very few years, when the ruined merchant and manufacturer besiege your doors, you will perhaps think of naming ambassadors to the general congress, instead of the wild and expensive job and farce now in contemplation, of 30 commissioners with a salary of 4,000*l.* each, to cry peace, where there is no peace.

Yet, Sir, I think peace absolutely necessary between Great Britain and America, and therefore I approve the present motion, as holding out the olive branch. The Americans are rapidly increasing in population, and in the knowledge of all the useful arts of life. Alas! Sir, they are not ignorant even in the fashionable art of murdering our own species. The late worthy governor of Pennsylvania declared at the bar of the other House, that that province now grew more corn than was sufficient for the supply of its inhabitants; that they exported considerably every year; that they perfectly understood the art of making gunpowder, and had effected it; that they had established several works to procure saltpetre; that they had the materials and means in great plenty of casting iron cannon; that the art of casting both brass and iron cannon, as well as of fabricating small arms, had been carried to great perfection; and that they were expert in ship-building beyond the Europeans. He declared likewise, that single province had actually enrolled 20,000 men in arms, embodied, but not in pay, and had 4,000 minute men ready on the first notice of any danger. The authentic accounts of the preparations for the forming, training, and disciplining troops in the Massachuset's Bay and in Virginia are equally formidable, nor are they inconsiderable in the other united provinces. Every idea of force therefore on our side must appear infatuation.

All wise legislators, Sir, have calculated the strength of a nation from the number of its inhabitants, the laborious, strong, and active. The population in most parts of America is doubled in the course of 19 or 20 years; while that of this island is known rather to have decreased since 1692. The emigrations of late from the three kingdoms have been amazing and alarming. Our own people have fled in multitudes from a government, under which they starved. It appears from the nicest calculations, that many more of our fellow-subjects have voluntarily left this kingdom for America—never to return—than I believe administration has hitherto sent in their pay both fleets and armies—never to return—in any considerable proportion I mean for the force sent. The Americans, Sir, are a pious and religious people. With much ardour and success they follow the first great command of Heaven, 'Be fruitful, and multiply.' While they are fervent in these devout exercises, while the men continue enterprising and healthy, the women kind and prolific, all your attempts to subdue them by force will be ridiculous and unavailing, will be regarded by them with scorn and abhorrence. They are daily strengthening; and if you lose the present moment of reconciliation, to which this motion tends, you lose all. America may now be reclaimed or regained, but cannot be subdued.

Gentlemen, Sir, do not seem to have considered the astonishing disadvantages, under which we engage in this contest against the combined powers of America, not only from the distance and natural strength of the country, but the peculiar and fortunate circumstances of a young, rising empire. The Congress, Sir, have not the monstrous load of a debt of above 140 millions, like our parliament, to struggle with, the very interest of which would swallow up all their taxes! nor a numerous and hungry band of useless placemen and pensioners to provide for; nor has luxury yet enervated their minds or bodies. Every shilling which they raise will go to the man who fights the battles of his country. They set out like a young heir with a noble landed estate, unincumbered with enormous family debts; while we appear the poor, old, feeble, exhausted, and ruined parent, but exhausted and ruined by our own wickedness, prodigality, and profligacy.

Sir, I daily hear the Americans, who

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glow with a divine zeal for liberty in all its branches, misrepresented in this House, and the ostensible minister is diligent in propagating the most unjust calumnies against them. The noble lord with the blue ribbon told us, the liberty of the press was lost throughout America. The noble lord deceives us in this, as in many other things. From experience we know that his intelligence can never be relied upon. The liberty of the press, the bulwark of all our liberties, is lost only in Boston, for his lordship's ministerial troops govern there only. The press is free at Water-Town, but seven miles distant from Boston, at Philadelphia, Newport, Williamsburgh, and in the rest of North America. I will give the House the demonstration. General Gage's foolish and contemptible proclamation against Samuel Adams and John Hancock, two worthy gentlemen, and, I dare to add, true patriots, even that proclamation, declaring them rebels and traitors, while the generals Washington, Putnam and Lee, with all the naval commanders in arms, were unnoticed by him, appears reprinted in all the American papers. His letters likewise to Governor Turnbull and others, in which he most heroically apologized for his inert conduct, as necessary for the protection of the army—the protection of an army!—and of an army, which we were taught to believe would look all opposition into subjection, awe the factious, and give security to the well affected—these letters too were all faithfully copied. I believe all the curious, futile orders he has issued, all his unmeaning declarations and proclamations, will be found as exact in the Pennsylvania, Water-Town, and other American newspapers, as in the Gazette, published by his authority at Boston, which in other respects is as partial and false as that of the American secretary published by authority in this capital.

The hon. gentleman who spoke last, says, the present address is trifling, for we already know the author and adviser of all the late measures against America; that the noble lord with the blue ribbon will avow them, and has done it. I wish to hear such a declaration. Will the noble lord avow himself the adviser of only one of the late flagitious measures, that of establishing popery and despotic power in Canada? The father of that monstrous birth I thought had prudently hitherto chosen to remain concealed. He likewise tells us, the motion now before us is coupled with nothing, and leads to nothing. I will tell him what it ought to lead to, what it ought to be coupled with. I mean an impeachment, Sir, which I trust will follow, as the next motion of the hon. gentleman, who spoke first in this debate. Whoever did advise the measures lately pursued, which have lost half our empire, I consider as a criminal of so deep a dye, that his head would be a just sacrifice to the honour of England and the peace of America. The word 'impeachment,' I hope, will always strike terror to the ear and heart of a wicked and arbitrary minister, and that the noblest and most important prerogative of this free people, secured to us by our great deliverer, king William 3, in the "Act for the further limitation of the crown, and better securing the rights and liberties of the subject," will shortly have its full effect, "that no pardon under the great seal of England be pleadable to an impeachment by the Commons in parliament."

Lord *North* thanked Mr. Storer for the compliments he had paid him; but said, the hon. member who made the motion, had not considered him as the responsible author of the measures he had mentioned. He allowed that the cabinet and efficient cabinet councils were no parts of the constitution; but said, that the king might consult any part of the privy counsellors he pleased. He said the present motion was a very strange one: that there were several acts of parliament concerned in it, of which he did not know the author: he did not know who was the author of the Act of Henry the 8th, which he supposed was alluded to; that some of the other Acts had been made in different administrations. As for popery, he said, that was established in Canada before, and despotism was not now established; for that the present Act might possibly be repealed when Canada should be in a situation fit to have assemblies; but that at present a legislative council at the will of the crown was the fittest form of government for them. That however, the Canada Bill came to them from the Lords; that he was very willing to take upon himself the guilt of supporting it in the Commons. But he hardly thought any person would propose the calling members to account for proposing or supporting any measures in parliament. The gentleman who made the present motion, was certainly a great stickler for freedom of debate, and freedom of opinion, and to complain therefore to

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another tribunal, of what happened in this House, in consequence of using that freedom, he could not think suitable to the general tenor of his conduct; he was sure it was not constitutional. He was the more surprised at this motion, as the gentlemen who had moved and supported it, had always professed themselves disregardless of men, and concerned only about measures; but this motion was calculated merely for personal chastisement, and rebuke. He agreed entirely in opinion with the counsellor, whoever he was, that might think one Wilkes sufficient; for indeed he thought that it was one too much in any well-regulated government; though he said, to do him justice, it was not easy to find many such. Upon the whole, he could not think it proper to carry up a complaint to the King of measures which had received the sanction of parliament; but for parliament itself to do it would be ridiculous.

Mr. *Temple Luttrell.* I rise to give my thanks to the worthy magistrate who has offered to the House this motion, because I think it, as to spirit, however incorrect its form, replete with duty and true affection to his sovereign, and promises the most effectual relief to the subject throughout every part of the British empire, at a time of imminent peril to our constitution, our trade, and our liberties. I own myself to be one of those persons, who, from an unalterable and inmost conviction of mind, subscribe to the doctrine of the great Mr. Locke, that "the legislature changed from that which was originally constituted by general consent, and fundamental acts of society, such change, however effected, is at once an entire dissolution of the bands of government, and the people are at liberty to constitute to themselves a new legislative power." Now, Sir, that the legislature has been materially changed with respect to your American colonists, from what was in the original and fundamental constitutions of society, there can be no doubt; by disposing of their property contrary to their consent, and by the hostile and savage acts consequent thereto, the bands between the British government and the American colonies are of course dissolved: whether or not they will constitute themselves a new legislative power time only can shew. I very much apprehend, that, unless a speedy and equitable plan of conciliation be held out to them by us, who are the aggressors, such will be the baleful end of our quarrel. But, Sir, we are now to come at the prime authors and promoters of this mischief. Shew us the men, that, betraying the interests of their fellow citizens, and confidence of their sovereign, first carried rapine, famine, and assassination, through that devoted continent. We know that (to speak parliamentary language, and as becomes every well-affected subject) the king 'can do no wrong;' we know that his Majesty, from moral principle, will do no wrong. He is perhaps the last man in these dominions, who would commit an act of cruelty or injustice against any individual, much less against a whole community; but Sir, we likewise know, that integrity and a guardless temper of heart, have subjected good kings to a misguidance, which has proved fatal to them in the end. The five dethroned monarchs to be met with at different æras of the English history, were distinguished severally in their day for conjugal and paternal affection. They were exemplary models of virtue in domestic life. Three of them (Edward 2, Richard 2, and Henry 6,) precipitated from a throne, were secretly put to death. One ignominiously suffered upon a scaffold; and the fifth, having forfeited his crown, was sent into exile. Yet, not many hours preceding the fatal, expiative sentence, each of these deluded potentates was assured, by his ministers and sycophants, he could do no wrong. It may be decent, it may be proper, though I have never regarded such assurance, as the syren canticle which has led many of our best princes with a full-swelled canvass on those quicksands they would otherwise have steered clear of. Sir, it is only by protecting the guilty that kings can do wrong, the people of England owe much forbearance, and are slow to commotion; but when once in arms and under the standard of constitutional freedom, however they may have been sometimes baffled in partial onsets, they have at the day of decisive battle, proved themselves invincible. Neither has such their laudable enthusiasm been confined to the re-establishing of original laws for the security of their possessions and franchises; but has operated with no less vigour in bringing to condign punishment those traitorous persons who had presumed to infringe them: nay, of this we have striking proofs, without recurring to the moment of actual revolt, and when the executive power was compelled to pay due regard to popular discontent. In the reign of

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Richard 2, the weakest and worst of our kings, (who at one time declared, he would not turn out the meanest scullion in his kitchen to please his parliament) some great men, who had abused the royal confidence, by carrying into execution schemes subversive of public liberty, suffered as being guilty of high treason; and, at the request of his people, this king, in the 10th year of his reign, appointed commissioners to scrutinize and reform his cabinet and household. Henry 6, (impotent of mind, and obstinate of disposition as he was) in his 29th year, at the suit of the Commons, banished between 20 and 30 of his counsellors and minions from his presence, not to be seen for a year within twelve miles of the court; their sentence says, "that they may be duly improved." It was their master's sad mishap, who recalled many of them at the expiration of the term mentioned, that they were found incorrigible. Under Henry 8, the greatest tyrant of the most tyrannic race that ever grasped the sceptre of this realm, others suffered for being the chief promoters of very iniquitous extortions during the preceding reign. Did not a Lord High Chancellor experience, in the time of the first Stuart, that neither personal endowments, nor elevated station, could shield him from the punishment due to his corrupt practices? Sir, in the reign of Charles 1, certain Judges met the severest reprehension for attempting to deliver opinions which were deemed subversive of the rights of the people; and, in the subsequent reign, we likewise see instances when great men were impeached before parliament for high misdemeanors in carrying on the administration of justice. These, and other innumerable examples to be found in your annals and codes of parliament, sufficiently evince that no official influence, no honorary dignity, could, in the days of our ancestors, screen the infractors on the lawful tranquillity of the subject from punishment, though they were the nearest servants of the crown, and illumined with the brightest rays of kingly favour. Sir, I am well aware that the malversations of government have, in the detail, been usually brought as a heavy charge upon the minister only, keeping clear of the monarch: that they have been imputed to a De Vere; a Le Despencer; a bishop Laud; to a father Peters; and had such incendiaries, with their base adherents, been timely and voluntarily given up for a sacrifice, atonement might have stopped there; but the prince on the throne, fascinated by a false glare of prerogative, and, plumed with towering notions of his divine vicegerency, could not be prevailed upon to withdraw his auspices from the proper authors of public calamity, till an injured and enraged people were driven to the necessity of bringing home the sum-total of grievances to the account of majesty itself. Hence followed social warfare, rivers of blood, and dethronements.

Is there an unprejudiced person in this House, endued with a tolerable share of discernment, who, dark as the political horizon around us now is, cannot discover further mischief to be complotted on the basis of these transatlantic piracies? Are we, Sir, to remain silent and passive till an army of civilized Britons, in compact with the barbarians of Russia, shall have enforced and perpetuated slavery in all our American colonies? Till your Popish brigades have taken good account of the liberties of Ireland? Till a mountaineer-militia pours in upon us from the northern confines of this island? Till the mercenaries of a German electorate shall have assumed the guardianship of Portsmouth, Plymouth, and the rest of our sea-port towns; till, I say, all these motley legions shall have united, to accomplish the hopeful purposes of such zealous addressers as appeared in the London Gazette of last week? Then shall the uplifted hand of vengeance and outlawry fall upon the scattered, helpless corps of petitioners throughout the several counties of England: those unreasonable petitioners to a prince of the Brunswick family, in behalf of Revolution principles and lawful freedom! Then shall the provinces of America, like many of those in Asia and Africa, be governed by bashaws; by a knout, or a bow-string, and a parliament here at home dastardly and dependent as the Ottoman Divan, maintaining Janissary-law, shall establish the sway of an arbitrary sultan on the ruins of limited monarchy, and of the best constitution that the wisdom and spirit of mankind ever framed for the happiness and glory of their fellow-creatures. Sir, the hon. gentleman who made this motion is for tracing this torrent of iniquity to its source, and it is our duty so to do. If there are efficient or super-efficient ministers behind the curtain, let them no longer remain latent, but be dragged forth to public execration. Certain I am, that the only fabricators of

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the American war are in this island; they are in this metropolis; they are most of them in this House. Several oblique hints and insinuations have at different times been cast to these benches near me from over the way. Some of the persons I allude to must own it their duty in a double capacity; their duty within these walls, and their duty elsewhere, if they have substantial grounds for such charge, to produce and bring home evidence to the criminal persons. Are they naturally backward at employing spies, or filing informations; or have they not such correct alertness in composing warrants of commitment? Where, then, are these enemies to their country on our side of the House? Are they to be found among those gentlemen opposing your present measures, who withdrew from the sunshine of a court, and relinquished offices of great honour and profit, rather than sanctify such projects as their consciences revolted against? Are they among those opulent commoners who have a landed property, and hereditary consequence at stake, equal to the best subjects in Europe? Are they to be found in those heroic commanders who fought at the head of your fleets in the last war with a prowess beyond the idea of the most romantic ages of antiquity? Or must we look for them in those intrepid magistrates, whose public conduct has gained them the confidence and affection of their fellow-subjects in the greatest city of the whole commercial world, and who are justly revered throughout the most respectable trading communities in all parts of the British empire: those magistrates, to whose talents, vigilance, and stability, we now turn an eye of expiring hope, as to our sheet-anchor, which can alone preserve the labouring vessel of the state from the dreadful rocks by which it is encompassed? Sir, there are no Catilines on this side of the House. Far be it from me to charge any gentleman on the other side with meriting altogether that appellation. Many, very many, there are facing me, who act, I am sure, from such principles as they persuade themselves are principles of wisdom and rectitude: but, Sir, I will say, that in the line of ministers; in that sanguinary phalanx, at least, which during all the evolutions and revolutions of government for several years past, has remained unshaken and impregnable; in them, and in the composition of their principles, I see many Catalinarian ingredients; an insatiate thirst of riches; a licentious pursuit after power; dominion to be acquired by the most desperate hazards, and the most savage enterprizes; by the burning of whole towns, the habitations of men, the temples of the Divinity innocent families to be butchered, and the entire demolition of the common-wealth at her halcyon zenith of peace, harmony, and abundance. Whether or not midst the arcana of their cabinet, they, like the Cataline-junto, pass from lip to lip, the chalice filled with human blood, as a pledge of secrecy and co-operative zeal, and to "rivet them to coercion," is best known among themselves; but if one may judge by the diabolical creeds which they have not scrupled to avow, such may well be the cup of their sacrament. Men of affluent incomes they have among them, yet chiefly, from the stipends of office, not a patrimonial inheritance, nor the fruits of an honest industry; we may, it is true, give them the credit for a few renegado converts of note, taken in upon the Sherwood-forest system of policy in the days of Robin-Hood, who recruited his troops from time to time, with such needy stragglers, as could stand a tough-buffeting with the arch-contrabandist himself, hand to fist.

Let us now look for their military coadjutors. Those few they could claim of high reputation, and to whose abilities and spirit we might, on a future foreign war, venture to give *in custodium* the inestimable glories of the last, these ministers have grouped in a triumvirate, and transported to America upon a worse than buccaneering expedition. We know, that they were last session among the deceived at home, and have this year been already disgraced abroad; at this hour I am speaking, are perhaps in ignominious durance, or dead; if dead, be it for their best reputation, and the repose of their departed spirits, that they achieved no part of the errand they were sent upon. This, Sir, puts me in mind of another martialist, (looking at lord G. Germaine) not unsignalized in former campaigns, who being now exalted to a place of the greatest public importance; if no other members better qualified than myself, shall undertake the task, I perhaps may, on a future occasion, hold it my duty to give him that distinct and copious eulogium which is his just due. Yet before I sit down, I can by no means omit mentioning the person in office, who with little better pretensions, in my humble opinion, than the daily run-

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ner of a faction, (looking at Mr. Jenkinson) having climbed into a post of high financial trust, the first duty of which is to be provident of the treasure of his sovereign and his country, measuring his claims by his own presumption and rapaciousness, not by desert, exacted from the crown a more liberal gratuity than has heretofore been given for eminent and splendid national services; more than was asked by a Burleigh, a Godolphin, or an earl of Chatham; and more than was deemed sufficient, by a munificent and grateful nation, for an illustrious naval conqueror (sir Edward Hawke) who is now passing the evening of his life in humble frugality. Tell this, Sir, to the people of America; and tell them, that a secretary of state (lord Rochford) retiring from, or rather deserting the public duty, at a conjuncture of some embarrassment, either through indolence, apprehension, or conscious insufficiency, is to be pensioned on the state to the amount of 3,000*l.* per annum. I say, Sir, relate these recent marks, how admirably we Britons appropriate our own money, and the colonists can no longer hesitate to make us trustees for the disposal of theirs; especially if it be to pass through the same hands, and for the like hallowed purposes.

However, I shall still flatter myself, as a consequence of this motion, that our gracious sovereign will, from the transcendent goodness of his heart, and reflective wisdom, at length give ear to the supplications of his afflicted people; and notwithstanding he may, from an impulse of lenity, preserve the guilty ministers from the punishment their offences demand, he will, for the sake of humanity, and for his own safety, remove them from his council and presence for ever.

Mr. *Hayley*, instructed as he was by his constituents, could not give a silent vote on the occasion; and thought, that as all the petitions presented to the King had been rejected with disdain, the present method of an Address to the King from the House was a proper measure.

Lord *Folkestone* highly complimented the hon. mover, both as a public and a private man, and said, that he held a seat in that House on the most honourable terms; that, for his own part, he condemned all the measures which had been taken against America; because they were adopted in defiance of every principle on which we support our own liberties; that particularly the Act for establishing despotism and popery in Canada, was most obnoxious; for not to mention the annihilation of every species of civil liberty which it establishes, it plainly declares, that in the opinion of parliament, all religions are equal; and that the only foundation of preference of any, is, its being the more easily converted into an engine of state. But as the motion was directed against acts of parliament, it was impossible to agree to it. The movers of them are, said he, sufficiently known. We do not want to be informed of that. It is sufficient at present, that parliament has adopted them: the time, he hoped, would come, when we shall know who concealed that information; who suppressed that evidence, which if parliament had received, it would not have adopted them. He should reserve himself till that time, and therefore at present moved the previous question.

Mr. *Hussey* seconded this motion.

The *Attorney General* said, that an application to the crown concerning measures which had once passed the parliament, was highly unconstitutional, and derogatory to their honour; but he was against the previous question, as he should chuse to give the motion itself a flat negative.

Mr. *Fox* said he should be against the motion, because it seemed to excuse administration, and to throw the whole guilt on some other persons; whereas he thought administration equally guilty; but he did not think that punishment could be constitutionally inflicted for any thing which should be done in parliament; this conduct there, will always be followed by the loss of reputation; and that he should therefore move the order of the day, as the best method of getting rid of the motion.

Governor *Johnstone* disliked the doctrine, that ministers were only punishable by loss of reputation. He quoted sir Edward Coke's authority, that acts of parliament, obtained by undue influence, or by misinformation, were neither a constitutional excuse, nor by precedent could be made a shelter for the misconduct of ministers. He said, that he disliked the frequent use of the word 'impeachment;' that impeachment was a great power of the state, seldom to be exerted, but never to be mentioned without a probability of carrying it into effect against some great criminal. He objected to the motion, because he thought an inquiry should begin by proving some fact; and hoped, that

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from the variety of opinions in the House, and the treatment this motion met with, that gentlemen would be taught how necessary it was to act in concert, and consult and act with a number of other persons in their motions and measures.

Mr. *Rigby* took this occasion to ridicule most strongly the conduct of opposition. He remarked their distraction; and the abject state to which every independent gentleman in the House must reduce himself, as a member of opposition; that he must follow a leader much more slavishly and implicitly than in any administration; for that if any unconnected member should make the very motion which opposition had itself determined, yet if he did it without their previous consent and permission, they would themselves turn round upon the honest gentleman as a rebel, and treat him with more indignity, than any of which they complained in behalf of the Americans. He reminded the city members, that as they professed to act in consequence of the instruction of their constituents, they ought to obey them universally; that there were particular points which they had overlooked; that they ought to rub up their memories, before they professed such obedience; that he wished them to obey them universally; that he might have an opportunity of negativing them universally.

The question was then put for the order of the day, which passed in the negative, without a division. The previous question was then put, That the said proposed question be now put; the House divided.

Tellers.

YEAS	Lord Lisburne Mr. Robinson	159
NOES	Lord Folkestone Mr. Hussey	16

So it was resolved in the affirmative. Then the said proposed question being put; the House divided.

Tellers.

YEAS	Mr. Alderman Oliver Lord Mayor of London	10
NOES	Lord Stanley Sir Grey Cooper	163

So it passed in the negative.

Debate in the Commons on the Nova Scotia Petition.] Nov. 29. Sir Grey Cooper reported the following Resolutions from the Committee of the whole House on the Petition from the General Assembly of the province of Nova Scotia: (See p. 698.)

1. "That the proposition contained in the Address, Petition, and Memorial of the House of Assembly of the province of Nova Scotia, of granting to his Majesty, in perpetuity, a duty of poundage, *ad valorem*, upon all commodities imported into the province of Nova Scotia, not being the produce of the British dominions in Europe and America (bay salt excepted) the said duty to be disposed of by parliament, is fit to be accepted, and that the amount of the said duty should be 8 per cent. upon all such commodities.—2. That when and as soon as an act, or acts, shall have been passed by the General Assembly of the said province of Nova Scotia, conformable to the foregoing Resolution, and his Majesty shall have given his royal approbation to such act or acts, all and every duty, tax, and assessment, upon any goods, wares, or merchandize, imported into the said province, and which duty, tax, and assessment, hath been imposed and levied within the said province, by any act or acts of parliament now in force, ought to cease and be discontinued; and that for so long as the act or acts of Assembly, for granting to his Majesty the said poundage duty, shall continue in force, no other or further duties, taxes or assessments, ought to be imposed or levied by act of parliament, within the said province, except such duties only as it may be expedient to continue to levy, or to impose, for the regulation of commerce, the net produce of the duties last mentioned to be carried to the account of the said province.—3. That it will be advisable to admit a direct importation into the province of Nova Scotia by his Majesty's subjects, in ships and vessels, qualified by law, of all wines, oranges, lemons, currants, and raisins, the growth and produce of any foreign country whatsoever, provided such wines, oranges, lemons, currants, and raisins, be imported directly from the place of their growth and produce; and provided also, that the said commodities be not imported into any other port or place within the said province, except the port of Halifax."

Lord *North* said, in explanation of the first Resolution, that it might be proper the committee who would be appointed to bring in a Bill upon the Resolutions, should be instructed to explain that nothing was meant to interfere with the

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old mode of requisition. That he had heard in the committee the idea of the hon. gentleman (sir G. Yonge) as also the idea of the hon. gentleman (governor Pownall) behind him. And he owned he thought the idea of the hon. gentleman behind him, of a proviso making it clear that nothing was meant to restrain the crown from making requisitions, nor the people from making grants upon them, might be very proper. He had always considered the Petition as an answer to the conciliatory proposition he made last year.

Sir *George Yonge* said, it was no answer to the noble lord's conciliatory proposition; for that proposition was addressed to those colonies with whom we had differences, but we had no differences with Nova Scotia. In the next place he said, this colony acknowledges the parliament of Great Britain to be the supreme legislature, and so did the General Congress; that the petitioners acknowledge it to be their duty to contribute to the empire, and so did the Congress. But that they likewise claimed the right which the Congress claimed: namely, the giving and granting their own money, and not being taxed by parliament; that they claimed this as their own right, as well as all America, to which they desire to be held out as a pattern; and they desire it on the footing of preserving to themselves, as well as all America, the rights of mankind in civil society. He was convinced they claimed the exercise of this right, as the condition upon which they consented to grant that tribute to the empire, and of their duty and allegiance to their mother country. He added, that being by this Petition convinced that these were the genuine sentiments of all the colonies, as well those with whom we had differences as those with whom we had not; and that if the exercise of this right was granted by an explicit declaration, which was the only road to peace, there would be an end to the war; that he therefore, for the sake of peace, should conclude with the offer of his proposition, wishing the ministry to accept of it, that they themselves might make that peace, which he should thank them for, as well as every man in England; which he was satisfied was in their power, if it was but in their inclination; but was only in their power, or in any body's, by means of a declaration of that kind: "That when the public exigencies of the state may require any further supplies from the province of Nova Scotia, then, according to the prayer of said Petition of the said province, such requisitions should be made, as have been formerly practised in North America, whereby the said province may have an opportunity of shewing their duty and attachment to their sovereign, and their true sense of the cause for which such requisitions were made, by means of which alone his Majesty can be made acquainted with the true sense of his people in that distant province."

Mr. *Feilde* seconded the motion. He entirely agreed in the whole of the hon. gentleman's argument; and added, that matter was of too much consequence to be left ambiguous.

Governor *Pownall* moved the previous question; in order, he said, to introduce a motion he had given notice of before.

The House divided. For the previous question 89; against it 12.

Governor *Pownall* said, he was somewhat experienced in this matter, as to the grounds on which the people of America give and grant their monies. He knew their jealousies on this subject, and how necessary it is to obviate all such. That he had therefore on this occasion, wherein the House are calling upon them to contribute, by their own grants, to the common burdens of the empire, and to the common defence, very attentively watched the mode in which (in this particular case) the House would frame this business: that there may be nothing, not only to give real grounds of objection, but not even grounds of jealousy. He was very apprehensive lest when the House came to frame that part of the Bill which requires the approbation of parliament to the just proportion of the quota offered, it should act as referring to any principle which even seemed to imply, that no laws whereby grants of money are made to the crown, were complete and had legal effect until the king and parliament consented to them. All laws, unless such as are contrary to the laws of England, made by the assemblies, are complete and have legal effect, unless disallowed by the king. But in grants of money, as a quota, towards the common defence, which grants like all others are made to the king, the king's acceptance, accompanied by his thanks, is the true mode of approbation, and he hoped the Bill would be framed accordingly.

There was a second point in which he

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thought he could discern the seeds of jealousy; that was, the fixing the quantum or amount of the duty. To avoid all doubts on this head, and to hold it out to the other colonies as an indisputable truth, that the House do not mean that the amount of any grant made by any House of Representatives in America, must originate in the British House of Commons; it would, he hoped, be discriminately marked, by reciting in the Bill that the naming the amount or rate of the duty, in this case is done, at and in consequence of the express reference and special desire of the House of Representatives of Nova Scotia.

A third point will also require a scrupulous attention. He had watched it with a jealous attention: and that is, that although the money granted for the common defence must lie at the disposal of the supreme power which hath the direction of the common defence; yet the application of it to that defence only, so as that it may never be perverted to other purposes, should lie with the grantors. If this matter be not made clear in the tenor of the Bill, whatever Great Britain may get from Nova Scotia, it will never have a grant from any other province.

If these matters should ever be settled, there will still remain a doubt which must be cleared up. The people of America have got rooted in their hearts a jealousy, that when the parliament have once carried the point of a fixed and permanent revenue for the support of the colony government, and a perpetual revenue for the common defence, assemblies will become useless, and that all intercourse between them and the crown, will be cut off. The House of Representatives of Nova Scotia express this fear and jealousy, and it is the universal apprehension of the whole continent of America. A motion arising from a very accurate and proper attention, was made in the committee by an hon. friend of his (sir G. Yonge) and had it been placed on such ground as suited the constitution both of the colonies and of parliament, he would have supported it. It was not so framed. That something on that idea ought to be done, he was fully persuaded. He had therefore drawn up, under the form of an instruction to such committee as shall be ordered to prepare and bring in the intended Bill, the idea which he meant to propose to the House when that Committee is appointed: "That they do by a proviso take care that nothing in that Bill doth extend or be such as may be construed to extend in any manner to restrain the crown, when the exigencies of the state may require any further aids from the said province, from making requisitions thereto in the usual manner, as formerly practised; nor to restrain the people of the said province from giving and granting to his Majesty, by their representatives in assembly met, further aids on such requisitions so made;" by which, as they properly say, they may have an opportunity of shewing their duty and attachment to his Majesty, and their sense of the service for which such requisition is made.

The first Resolution being agreed to, when the second came to be reported,

Sir *George Yonge* moved as an amendment: "That it appears to this House, that the granting the power to the colony of Nova Scotia, of proceeding for the supply of the future exigencies of government, by the mode of requisition formerly used in America, was the condition on which the said colony did make the offer of granting the revenue in their petition expressed."

Mr. *Burke* seconded this motion. He said it was almost in vain to contend, for the country gentlemen had abandoned their duty, and placed an implicit confidence in the minister: but that should not prevent him from performing his duty; for, let the noble lord be in or out of office, when the measures which he was hurrying the nation wildly and inconsiderately into, were fatally proved to be destructive in their consequences to the most important interests of this country, his lordship might depend on it, that he would be made responsible for measures he had carried into execution, under the sanction of such a confidence.

Mr. *Fox* spoke in favour of the amendment. He said, an opposition to it by administration, appeared to him scandalous and disgraceful. He was astonished how the House could agree to such a solemn mockery of all parliamentary order and decorum.

The Amendment was negatived. The second Resolution being agreed to,

Mr. *Burke* proposed the following amendment to the third Resolution: "That although the terms of the Resolution of this House, of the 27th of February 1775, relative to the colonies in America, do seem literally to require, that the offer therein mentioned should be made by the

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governor, council, and assembly, or general court of any province, the true intent and meaning of the same does not require any thing more, in order to be accepted by this House, than that it should be made by the House of Representatives of such province; and also, though the said Resolution seems to require that the said offer should be a proportion, according to the condition, circumstances, and situation of such province, yet that the true meaning of the said Resolution doth purport, that any duties which this House shall approve, will be accepted as a compliance with the said Resolution, although no grounds for determining the said proportion be laid before this House; and also, although the said Resolution does seem literally to require that they should engage to make provision for the support of the civil government and administration of justice in such province, the same doth not require that any other provision for civil government should be made, than what such province hath been accustomed to make."

It passed in the negative, and the third Resolution was then agreed to.

Debate in the Lords on the Indemnity Bill for introducing Foreign Troops.] Nov. 30. On the third reading of the Indemnity Bill,

The Marquis of *Rockingham* opposed it in strong terms. He observed, that it would be a disgrace to the statute books, as it held out an indemnity while, in fact, it asserted the persons indemnified were guilty of no offence whatever: on the contrary, it legalized the measure of sending his Majesty's electoral troops into the garrisons of Gibraltar and Port Mahon, while, at the same time, it held out an indemnification for an offence against some law existing at the time the supposed illegal act was committed.

Viscount *Weymouth* thought the Bill totally unnecessary. He was sure the measure was in itself perfectly justifiable, and offered to divide with his lordship, if he should think proper to put the question for rejecting it.

The Earl of *Suffolk* could not see any necessity for the Bill. Besides, though such a Bill should be looked upon as necessary, in its present form he could never approve of it, because the preamble was at direct variance with the enacting clauses: it proposed to indemnify such persons as advised his Majesty to send his electoral troops into the garrisons of Gibraltar and Minorca, while the preamble stated "that doubts having arisen, &c."

Earl *Gower* thought the measure legal and constitutional, and had accordingly advised it in concert with the rest of his Majesty's ministers; and now, in conformity with those sentiments, he should be for rejecting the Bill.

The Bill was then rejected.

Debate in the Commons on the American Prohibitory Bill.] Dec. 1. Lord *North* moved for the second reading of the American Prohibitory Bill. He said, if there was any thing which carried an air of severity in the Bill, it would be in the power of America herself to prevent its operation; for all that the people of any colony had to do, was to own the legislative supremacy of Great Britain, as the parent and controlling state: or if unwilling to accede to any general declaration of that kind, to contribute of their own accord towards the support of government, as one of the parts of the empire entitled to the protection of the whole.

The Hon. *Thomas Walpole.* My sentiments have been so rarely delivered in this House, that some gentlemen consider me as one of those who have lately changed their opinions respecting America. Had I indeed formerly approved the measures of government towards the colonies, the ill success which has resulted and which is likely to result from them, would now convince me of the expediency of changing the system of our conduct. My sentiments, however, have been confirmed, not altered, by our late unsuccessful experiments in America; as I have constantly disapproved every Act for imposing taxes on the colonies.

Respecting the Bill now under consideration, I must oppose it, because of all our proceedings, this appears to me the most violent and impolitic. It begins with a formal indiscriminate declaration of war, against the inhabitants of thirteen colonies, and after authorizing a general seizure and confiscation of their effects, it concludes with a fallacious nugatory provision respecting the attainment of peace. Concerning the first of these objects, I must observe, that were it both justifiable and expedient to seize and confiscate the property of the colonists without discrimination, the time for doing it is past, and the measure become impracticable, by that total suspension of commerce which

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has now taken place in America. Twelve months ago, indeed, an attempt of this kind might have succeeded, but its success would have been ruinous to multitudes of British merchants, who were either immediately or remotely interested in the cargoes of all American vessels wherever dispersed, and especially of those laden with corn, which the Americans were honourably sending us in discharge of their debts, and which was necessary to preserve Europe from famine. The attempt was therefore wisely suspended, as indeed every other hostile measure ought to have been; since it is impossible for us to injure the colonies without suffering by the distress which we may occasion them. But if it was expedient to delay the seizure of American ships while they were in our power, it must be absurd to attempt it when the measure is no longer practicable, or at least when our only captures will be privateers, which a knowledge of this Act will provoke the colonists to fit out, in order to distress our West India trade, and make reprisals for those depredations which we are now going to authorize; unless, indeed, the severe penalties of this Bill should (as I think they will) induce the Americans to open their ports to the ships of other maritime powers, and invite foreigners to supply their wants; a proceeding which would compel us to seize the effects of the subjects of other states, and eventually involve us in a disastrous European war.

Respecting the concluding part of this Bill, I cannot but think the provision which it makes for peace is very inadequate to the attainment of it. For the provision consists only of a power in certain circumstances, to grant particular pardons and exemptions from the penalties of this Act. But will the offer of pardon satisfy men who acknowledge no crime, and who are conscious, not of doing but of suffering wrong? Or will the prospect of an exemption from commercial seizures, without the redress of any grievance, disarm those who have deliberately refused all commerce until their grievances shall be redressed? A noble lord, who is now become the minister for America, has indeed told us, that nothing should be granted to the colonists until they shall have laid down their arms and made an unconditional submission to our claims. Very little however must his lordship know of human nature, or of the people annexed to his department, if he thinks the motives which have induced them to associate, arm and fight in the defence of their supposed rights, will not for ever prevent the return of peace, unless more adequate and just provisions be made for obtaining it.

The only benefit which has resulted from our unhappy contest with America, is, that by it we have been led to revert to the first principles of civil polity. After numerous struggles between the powers and opinions of contending parties, we all now agree in this fundamental truth; that civil government was instituted to benefit the many who are governed and not the few who govern; or, in other words, that its proper end is the preservation of life, freedom, and property; and of these, the latter has, under our constitution, been the object of peculiar care. Indeed, the very nature of property, as it is constantly defined, requires that the proprietor alone should have a right to dispose of his property, and therefore it is that by the most solemn provisions of our government, the consent of those from whom money is wanted for national services, is made indispensably necessary. I have attentively considered the peculiar rights of this House respecting the imposition of taxes, and also the usual words, forms, and circumstances of our pecuniary grants, which of themselves sufficiently prove, that a right of granting away the property of our constituents is totally distinct and different from a right of making laws to govern them. We are the only branch of the legislature that represents the people and property of Great Britain (the peers sitting by titles derived from the crown) and therefore a grant of this House in its representative capacity necessarily precedes the imposition of any tax on the people. This appears from the tenor of all the Acts for raising supplies, which begin with reciting that "the Commons" alone, separately and distinctly, have first granted the rates, duties, and impositions, intended to be levied, and afterwards proceed to enact, by the joint authority of King, Lords, and Commons, that the sums which have been thus distinctly granted by the latter shall be collected according to the intention of their several grants; and in the very same manner the legislative assent of parliament was always required to authorize a collection of the subsidies formerly granted by the clergy in convocation; though yet, without a previous grant from the clergy, no taxes were collected from them by authority of parlia-

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ment until the reign of Charles the 2nd, when they obtained a share in the national representation. And, excepting the perplexity, which late sophistical fallacies may have occasioned on this subject, no privilege of our constitution was ever better ascertained, more generally understood, or more confidently believed, than the privilege which Englishmen for a long succession of ages have enjoyed, of being taxed only with their own consent, or that of their representatives. In virtue of this privilege it was, that the unrepresented people of America refused to pay the taxes we have lately imposed on them; a refusal which has been followed by a series of intemperate and violent acts on our part, and by a loss of our former dominion over thirteen of the colonies on that continent. To recover the affection, the commerce, and the allegiance of the people of these colonies, should be the end of all our endeavours. The measures which we have hitherto pursued for this end have produced none but the most pernicious consequences; it is time therefore to profit by experience, to grow wise by misfortunes, and to try the effects of a different system of conduct. Enough, and I fear too much, has been already attempted by irritation, by menace, and by violence; let these give way to milder proceedings; let us seek for peace, not by carrying war and desolation over the countries we would govern, not by destroying the sources of that commerce we would regain, not by exciting irreconcilable hatred in those whose affections we should reconciliate, but by pursuing the dictates of reason, humanity, and justice, which are all repugnant to every part of the Bill under consideration.

Mr. *Cornwall* did not see how the dispute with America would be productive of a war with any European power. He imagined the reverse, because Spain in particular, feeling a similarity of situation and interest, instead of encouraging America in acts of disobedience to the parent state, would rather contribute every thing in her power to suppress a revolt, which, in example, might be fatal to her own interests in the new world. He observed, that great stress, he foresaw, would be laid on that part of the Bill, which subjected all ships, merchandize, &c. which belonged to the people of America, or any persons whatever found trading to that country, to forfeiture and confiscation; but, if the present state of that country were only considered for an instant, the propriety of that part of the Bill must be self-evident; for as the non-exportation and non-importation agreement had unconditionally taken place the 10th of September last, the inevitable consequence would be, that all trade being at an end between both countries, a communication would be open between America and the several maritime and commercial nations of Europe, particularly France and the United Provinces. He said, in the present state of things, however great our native strength and resources might be, such was the nature of a land war to be carried on in that distant part of the world, that we could never expect to succeed; therefore the present Bill was necessary, as, by restraining their maritime intercourse with other nations, it would completely cut off all their resources, and give Great Britain the advantage of exerting her strength on that element, where she never found an equal. He concluded with asserting, that the government of this empire was placed in the British parliament; that of course, whatever the British parliament, in its wisdom and justice, decreed, was, to all intents, constructions, and purposes, binding upon every other part of the whole empire.

Mr. *Dunning* said, that whatever doubts prevailed on the first day of the session, whether the speech from the throne predicted war or peace, no one could now be at a loss to know its genuine import. He was one who looked upon it, from the very beginning, to be a formal declaration of war against all America. He was every day more and more satisfied that his suspicions were well-founded; but now he had nothing to prevent him from pronouncing with certainty, that he was fully justified in his opinion, that war, and a war of the most unrelenting and bloody complexion, was meant to be made on those devoted people. He was tolerably versed in history, nor was he ignorant of the laws of his country; but never, within the compass of his reading or knowledge, did he hear of such a rebellion as the present. Who, said he, are the rebels? What are the principles they controvert? Who is the prince to whom they profess obedience? But, turning from those matters, which are only a fit subject for ridicule, do not the consequences promise to be serious? Let us think only for a minute of the manner we have been treated. How is it possible we can proceed an inch with any propriety, without the necessary informa-

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tion? This, it is possible, may be a good Bill; it may be the only measure left us to adopt, which may be the means of bringing that country back to a proper sense of her duty; but is there one gentleman in this House, even one honourable member on the Treasury bench, who will rise and tell me, that his support to the present Bill arises from his information, or will take upon himself to stake his general support of the Bill upon information had, but not proper to be communicated to this House? I am certain, bold and enterprizing as many of them are, there is not one. I cannot sit down without saying a word or two relative to the manifest partiality administration has lately shewn to a neighbouring kingdom (Ireland) which used not to be in very high esteem. No longer tyrannized over and oppressed, she has suddenly become a favourite; she has been lately told by the minister there, that she might have Hessians or Brunswickers, or she might have none; and that they should be paid by this country on the present occasion. This sure is a happy change. Ireland may have foreigners; she may have them for nothing; and she is fairly told, she shall not have one without the consent of parliament, and even if she should consent, she shall not pay a single shilling towards their maintenance or support. Great Britain shall have foreigners, whether she will or not; Ireland may have them if she pleases; but even then Great Britain shall pay them.

The Hon. Mr. *Fitzpatrick* complained of the conduct of administration, in keeping every thing secret; it was very probable, if administration could have kept it a secret, that the King's troops were defeated at Lexington in April, or that they suffered worse than a defeat at Bunker's Hill, we should have never heard of those two very mortifying occurrences; nor that an army of 10,000 men, with a most formidable train of artillery, and commanded by four generals of reputation, have been blocked up during the whole summer by a body of people, who have been described in this House, ever since their names have been first mentioned, as a mere cowardly rabble. He could easily discern that the Bill breathed nothing but war, and that not of an ordinary nature; for it was not a war that might be stifled or compromised by a mixture of assertion or concession, but made upon a principle of ruin to one of the parties, if not to both; in short, it was a war of mere revenge, not of justice.

Mr. *Fox* enumerated the several contradictions and evasions of the minister since the commencement of the session, and contrasted them with his lordship's former declarations. He observed, on the doctrine of unconditional supremacy, that it went to this: tax America to any amount, or in any manner you please; if she complains, punish her with pains and penalties of the most cruel and unrelenting nature; and if she resists such tyranny and barbarity, then sit down, day after day, in merciful deliberation on the most potent and expeditious way of starving or massacring the devoted victims.

The *Attorney General* insisted that no troops had been offered to Ireland, as asserted by his learned friend, who, he feared, laid too much stress upon newspaper information. Even if the fact were so, this was not the proper time to debate it, nor could he perceive what kind of relation there was between the supposed offer made to Ireland and the Bill under consideration.

Mr. *Burke* observed, that the present was a retrospective Bill, for it inflicted punishments for acts thought innocent at the time they were committed, and legalized others which were acts of atrocious plunder and robbery. Our Saviour sent his apostles to teach and proclaim peace to all nations; but the political apostles, to be sent out by this Bill, would be the harbingers of civil war, in all its most horrid and hideous forms, accompanied by fire, sword, and famine.

Mr. *T. Townshend* was severe on the ostensible minister, who was but a mere shadow of authority, all real power being lodged in the person of the hon. gentleman who sat next him (Mr. Jenkinson.)

Mr. *Jenkinson* said, he did not understand what such insinuations led to, if not to mislead the House; that he had always acted conformably to the spirit of the constitution, and defied his accusers to point out a single instance to the contrary.

Lord *George Cavendish* said, the manufactures were daily declining in almost every part of the kingdom, and the consequences of this Bill must be dreadful, as he supposed, before the end of the year, it would throw above 40,000 hands out of employment.

Lord *Stanley* could not contradict the noble lord's general information, but he could venture to affirm, it was not the case in Lancashire.

Mr. *Temple Luttrell*. When the noble

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lord, at the head of the Treasury, first gave notice of this Bill, he told us, it was his intention to repeal the three Acts restrictive on the trade of New England and certain other colonies, as insufficient to the purpose he had in view. Now, if I have comprehended the noble lord aright, he has at different times professed to have in view two very distinct and contradictory purposes; the one to accelerate a peace, the other to continue the war with energy, and a profuse effusion of blood. If the noble lord would repeal these iniquitous Acts, and suspend all other hostile proceedings for the present, he may probably lay the ground-work of peace; but, if he proceeds to a more diffuse and rigorous severity, he will put an end to every ray of hope that could be entertained of sincere or effectual conciliation. One hope, Sir, I will however still entertain, and which I am neither afraid nor ashamed to avow; it is, that the Americans may prove successful in the maintenance of their just rights. Sir, I heartily wish them success, for their sakes who have been grossly injured, and I wish it for our own. We have now before us a dreadful alternative: if the colonists gain the victory, we bid farewell to the most valuable branch of the commerce of Great Britain, and we no longer hold that pre-eminent distinction, which the triumphs of the last war, and our superior form of government, gave us a just title to among the powers of Europe: if, on the other hand, the ministerial army should come off with conquest, to judge by your northern addresses; by the accommodating temper of the military (so different from former times); and, above all, to judge by the complexion of our present rulers; the liberties of England must inevitably fall a sacrifice on the American continent. But, Sir, I trust, the eyes of Great Britain will open, ere it be too late, and that she will discover the dangerous precipice, on the brink of which she at this day stands. Sir, I venture to foretel, that if these violent measures of coercion be further persevered in, you will involve every district of the British dominions throughout the four quarters of the globe in the various calamities and horrors of your unnatural civil war. Surely, Sir, the country gentlemen, who are so frequently called upon from all sides of the House, now they are retiring into the country, must ponder, during the Christmas recess, on the mischiefs they have been accessary to, and will return to parliament with sentiments of contrition; and such sentiments as have usually actuated that valuable body of Englishmen. Neither will I despair of seeing this parliament, which has borrowed the name of the memorable Coventry parliament, and copied so many of its misdeeds, take from it the only good precedent it can afford. The Coventry parliament, in the 5th of Henry 4, (about the month of January) having granted to the crown very exorbitant and unjustifiable taxes, a very few weeks after, caused the record, containing that grant, to be committed to the flames, hoping, by such expedient, to prevent their offence from being discovered to future generations.* Let us, Sir, follow that bright example, and have all the American Acts passed since 1763, whether relative to unlimited sovereignty, to famine, or to taxation, selected from your rolls, and put into the fire; and when you send commissioners over to Boston, with the olive branch of peace in one hand, I would have them, instead of the exterminating sword of war, carry in the other a cinerary vase, filled with the ashes of those defunct parchments; to be a sacrifice at the tree of liberty, where they should be buried, and with them our mutual animosities, and every idea that might hereafter grow up to malice, reproach, or mistrust. Such a legation, and such credentials, would be worthy the wisdom and justice of the British legislature, and restore your empire to its former splendor and prosperity: but if the character of herald be to predominate in this commission, there is not one leaf of the olive branch will be accepted of in America, till you have rivetted fetters on the last hand that has nerves able to resist you. I know, Sir, that, for a subject to resist the executive power of the government over that society of which he is a member, must be deemed an act of rebellion, unless such executive power shall have committed a prior act of rebellion against its creators—the people; for then it virtually lays itself under an interdict, and resistance is not only pardonable, but praiseworthy; it becomes the duty of every good citizen; therefore the glorious founders of the Revolution in 1688 were patriots, not rebels; and the foreign princes they brought over, and seated on the throne of England, in preference to all hereditary claims of succession, were legal sovereigns, and not

* See Vol. 1, p. 294.

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usurpers. Sir, I shall repeatedly affirm, that the administrators of government in this country, were guilty of an heinous act of rebellion, when they sent fleets on fleets, and armies on armies, to America, to compel the colonists to admit of taxation. Three millions of people, three thousand miles distant, without one delegate in your legislative body, and so eccentral with respect to this island, as not to be possibly comprehended in virtual representation; occupying a territory of such magnitude, that were you to take from the map of it, the extent of the British isles, the defect would scarcely be visible to the most accurate eye. I say, Sir, this was rebellion against the fundamental constitution of Great Britain, established on reason and the natural rights of mankind, from the earliest ages, confirmed century after century, and reign after reign; it was rebellion in the fullest sense of the word against the unalienable rights of such an imperial mass of British freemen. Such is my law; such I hold to be the law of common sense, and such I understand to be the efficient law of the land. Sir, I shall certainly give my vote to reject this Bill. I abominate every principle on which it is founded.

Mr. *Bayley* said, he must tell those vociferous gentlemen, who were calling out in such a hurry for the question, that he must first call on the noble lord (North) for his estate which was going to be taken from him by this Bill. He said, if all trade and intercourse were stopped between the West Indies and North America, the plantations were at once ruined, as it was impossible to make either sugar or rum, or send it to this country, without American supplies. That as soon as it was made lawful to take American vessels, he did not doubt but all the sugar ships would be made prizes of; for as they were obliged to come home by the coast of America, it would be easy for a petty officer of a man of war to say those ships were found hovering upon that coast, and that they had arms and gunpowder on board (which no merchant ship is without) and were going to supply the rebels with them: this pretence is sufficient to condemn them, so that every planter's property would be confiscated and shared amongst the favourites of the minister. Proof had been given to the House, that the annual exports to North America, before this fatal war broke out, amounted to three millions and a half, of which more than three-fourths were of our own manufactures, and that we got great profit from the other fourth, but that the whole of this exportation was lost, as also 600,000*l.* exported in the same manner from Scotland. That the West Indies took more than 1,100,000*l.* annually of British manufactory, and 470,000*l.* worth of goods were annually exported to Africa, to carry on the West India trade; all this added together, amounted to the amazing sum of nearly six millions sterling; and if this Bill passed, the whole of this immense export would be stopped, and thereby so great a national benefit would be lost, besides the infinite advantages we reaped on our trade and imports from thence, and a million of net money annually paid into the Exchequer. Therefore he implored gentlemen would consider whether it was not madness to risk so great a loss, and put the nation to so immense an expence of blood and treasure, in order to establish an unjust right in America.

The Bill being read a second time, it was moved to commit it for the 5th. Upon which several gentlemen begged lord North to postpone it a few days, to give the West India merchants and planters, who had advertised a meeting of their body on this Bill for the 6th, an opportunity of laying before the House any information they might judge necessary; it was moved therefore to amend the motion to the 12th. The House divided: For the Amendment 55; against it 207. The main question was then put: the House divided again: For it 153; against it 24.

December 5. Lord *North* moved the order of the day, to go into a committee on the Bill.

Lord *Folkestone* observed, that the Bill, in its present form, was the strangest heterogeneous mixture of war and conciliation imaginable. He said, that the disparity of numbers in the House of those inclined to war and those who wished for peace, was very great, but nothing like the disparity in the clauses of the Bill; that there were 35 clauses that aimed at desolation, and one only, a single one, that pretended to be pacific; that this mixture of hostility and conciliation, in the same Bill, could proceed from no motive, but a desire, either of confounding the attention, by the variety of the objects and diverting it from observing the disparity of the various parts, or of precluding debate, by continuing the subject matter of two

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Bills in one; that both these reasons were indecent, and unparliamentary. He animadverted on the immense powers conveyed by the Bill, on it did not know whom, or it did not know how many or how few commissioners, or whether more than one, and observed, that they were left to act upon discretion; nay, without any rule to judge by, had power to suspend the Act. That if he had no other reason for wishing the House to agree to the motion in this way, there at least would be a bill of peace to balance one that prescribes nothing but war, horror, and confiscation. His lordship on these principles moved, "That it be an instruction to the Committee, that they do divide and separate the said Bill into two Bills."

Mr. *Rice* opposed the motion, on the ground that the matter of the Bill and its substantial operation, would answer the ideas of the noble lord as well in one Bill as two.

Mr. *Dempster* enlarged upon the Bill itself, and said, he wished much for the motion, not quite for the same reasons as had been given by the noble lord, for he approved of that part which treated of the commissioners; for though he thought the powers too great, yet great powers were undoubtedly necessary to the success of the commission; that it greatly distressed him in his vote, when he wished well to one part of a Bill, and looked upon the other part with horror, and earnestly begged the motion might pass.

Mr. *Byng* observed, that the bringing in a Bill of such importance as the present, looked as if administration brought the Bill in at this season of the year, in order to avoid the opposition it would probably meet from the country gentlemen. The minister was well aware that the country gentlemen could not be kept in town this season of the year.

Sir *George Yonge* objected particularly to the dispensing power given to the commissioners, which he considered as lowering parliament, and making it appear contemptible in the eyes of those upon the continent, who already entertained no very high idea of its free agency, and who must be satisfied, that it would not voluntarily submit to such an indignity, and therefore was brought to submit to it by indirect means.

Lord *North* said, some were against the warlike part of the Bill, others against the pacific or conciliatory part, but that the most extraordinary reason, with those who wished for peace, and supported this motion, was the dispensing power given by the pacific clause; for, if the motion passes, the power of dispensing, will be of dispensing with the pacific, and not with the hostile Bill. He thought it fairer to declare against the Bill *in toto*; that, he was sure, was the ultimate wish of those who wanted to divide it in two; and as such, he should strenuously oppose any motion of that tendency.

The question was put on lord Folkestone's motion; and the House divided: Ayes 34; Noes 76. The House then went into the committee.

Sir *George Hay* supported the first clause. He said, no man in his senses could doubt but that America was in rebellion, nor that the present Bill was to all intents and purposes perfectly justifiable and necessary. He entered into a comparative state of the nature of a war carried on against rebels and alien enemies, to shew that the latter should be treated with much greater lenity than the former. The latter owned no obedience, no duty, no gratitude, while the former, turning their back upon every moral as well as civil tye, to violence and lawless rapine added moral guilt, and the blackest of all earthly crimes.

Lord *John Cavendish* said it was improbable, that the hon. gentleman had drawn up that part of the Bill which measured out into such exact portions the several parts each admiral, captain, &c. was to share in the common spoils. But who, said his lordship, are those spoils to be taken from? He will probably answer, from the rebellious Americans. Will the hon. gentleman venture to assert, that all America is in rebellion? Or, after this Bill is passed, will he venture to assert, that any one man, whether resident within the twelve united colonies or not, will be safe to trade, or even proceed two leagues to sea? No, it is plain that he considered the Bill only in one point of view, the captures, the forfeitures, and confiscations, the sharing of the prize money, and the final condemnation.

Sir *George Savile* was equally severe on the Bill in all its parts. He said, the ministry, from a mere childish, sottish obstinacy, to hold their places, were at once risking their heads, and plunging the nation into certain ruin. He said, dead majorities and thin houses, were matters very encouraging to the minister to perse-

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vere; but he assured the House, that the thread, when drawn too fine, would at length break; for, however they might vote or divide within these walls, when our manufactures were ruined, our resources stopped or dried up, and that we were engaged in a French or Spanish war, majorities would avail the ministers very little: no majority would avail in such a critical state of things, much less one already universally execrated for its notorious venality, corruption, and blind submission to the mandates of a minister, who was himself confessed on all hands to be far from being popular.

Mr. *Burke* said, it was the first time he ever heard it asserted, that open hostilities and rebellion were the same thing. He said a day would come, when the damnable doctrines of this Bill would fall heavy on this country, as well as on those who first broached them, and were the means of carrying them into execution.

Mr. *Bayley* condemned the clause, and said the Bill would affect his property very materially in the West-Indies.

Mr. *St. Leger Douglas* replied, he had a considerable estate in the West Indies, nevertheless, he thought the Bill a salutary measure. He knew that the West India islands had lumber sufficient to serve them for one, if not two years; but, if not, it was better to suffer temporary inconveniencies, than sacrifice the British empire in America to the local interests of any of its constituent parts.

Sir *George Yonge* declared himself entirely against the Bill; but he saw no objection its most sanguine friends could have to put off the committee for a day or two, or until the West-India merchants, who were, he understood, to present a petition, stating the manner they would be affected by it, were first heard; he therefore moved, that the chairman do now leave the chair.

The question being put, the committee divided: Ayes 34; Noes 126.

Dec. 6. The House went again into a Committee on the Bill.

Mr. *Burke* condemned the great impropriety of the discretionary power given to the commissioners, by the last clause, of pardoning or refusing to accept of submission.

Mr. *Feilde* pursued the same idea, and said it was a power of such a nature, as ought not to be trusted to any set of men in a free government. It was a power vested in the sovereign on certain occasions, but still his ministers were looked upon as responsible to parliament for the due exercise of it; whereas, by the present Bill, that controul being given up, the commissioners would be left at liberty to commit every enormity with perfect impunity.

Mr. *Bayley* was against the clause. He said it gave persons a power to rob him and the West-India merchants of their property; that the present ministry, not content with their places, and their monstrous, undeserved emoluments and douceurs of office, went to war, in order to fill the pockets of their friends and hungry dependants.

Lord *North* did not know he had done any thing which merited the hon. member's resentment, unless his displeasure was called forth on his refusing to let him vacate his seat last session, in order to enter again into contest with his antagonist. As the hon. gentleman said he was unjust, unmerciful, oppressive, &c., he supposed the whole charge might be well attributed to the refusal now alluded to.

Captain *Luttrell* supported the clause, declaring, much as he disliked the Bill in gross, he would rather every other part of it should pass into a law, than that they should refuse to indemnify our officers, fo carrying punctually into execution such positive orders, as they have received from their superior officers, or that have acted uprightly according to their conscience, and the best of their understandings. Where such orders have been discretional, parliament were bound to protect them; but if any had exercised their power cruelly, or arbitrary, he trusted they would be amenable, both to the martial and common law of this land. Captain Luttrell proposed several amendments to the Act, which were accepted.

The Bill was ordered to be reported tomorrow.

Debate in the Commons on Mr. Hartley's Propositions for Conciliation with America.] Dec. 7. Mr. *Hartley* rose and said:

I must entreat the candour and patience of the House this day, as I feel myself under an unusual anxiety and agitation, not simply from bashfulness of speaking in public, or before this House, which has always been very indulgent to me, but from the greatness of the object, in which, though a very private individual, I presume to interfere; an object, upon which

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not only the fate of our own times, but of all future ages, both in this country and America, will depend. Coming in this state of mind to the House, I confess that I received no slight additional shock, when I heard that this day is marked by one of the greatest losses that this country can sustain, in the death of a great naval commander, (sir Charles Saunders) who has carried the empire of the British flag to the highest point of glory, a name well known to America, not only on our common element the ocean, but as an earnest and zealous friend to the constitutional and civil rights of America. Though an individual may feel the loss of a private friend in him, yet that is buried in the public loss. He was every man's friend. He was a friend to his country. And only for himself may his death be thought happy, in this at least, that he has not outlived the glories of his country, which was the anxiety of his latest hours; neither will his memory outlive its just and constant tribute of veneration and gratitude from every part of our dominions.

Sir; as there is nothing which I have so much at heart as to see some amicable termination of our unhappy disputes with America, I take the liberty of troubling you once more with some Propositions of pacification, adapted, as nearly as I can judge, to the present state of things. When the obtaining a revenue was the professed object, as it was the only object professed last year, I then offered to the House, with great deference, my sentiments upon that subject, and drew up a plan for a letter of requisition, according to the accustomed and constitutional mode, and suited, as nearly as I could judge, to the nature of our connection with the colonies. To this plan of contributing freely upon requisition America has again declared her assent, in the Petition to the King, which I moved to have laid before you the other day. That Petition has been ungraciously dismissed, without notice or answer, though it contains every thing that this country demands from America. There is supply upon requisition, if you will have it. No, says the noble lord at the head of the Treasury, we are ready to dispense with the consideration of supply, but our authority has been insulted: we must have satisfaction for that. Then say what satisfaction for the point of honour you would have; for the Petition to the King goes beforehand with your demands in that point too. They ask for no terms of reconciliation inconsistent with the dignity of this country. What can they say more? There is supply offered, if you will have it. There is satisfaction offered to your honour, if you will put them to the test.

Sir, as I take the ground of my Propositions for pacification from the Petition of the general Congress to the King, which now lies upon your table, I beg that it may now be read. [It was read accordingly, and will be found at p. 896.]

The House having heard this most dutiful and affectionate petition to the King from their fellow-subjects in America, humbly supplicating his Majesty to become the mediator of peace between them and their parent state, I hope that this, added to all the remembrance of our former friendships; to all the ties of consanguinity, and derivation from one common stock, by which we claim a joint inheritance and equal right, to peace, liberty, and safety, will carry some favourable influence upon the heart of this House; and above all, I trust, that a compassionate fellow-feeling for the distresses of our American brethren, surrounded by all the horrors of war and desolation, added to the gloomy consideration that these evils may not be far from our own gates, will dispose this House to seek, with a willing mind, the restoration of peace, as the only means to prevent the further effusion of blood, and to avert those endless calamities, and those ruinous convulsions which threaten every part of these dominions. In these circumstances it should seem well becoming the magnanimity and moderation of parliament, to endeavour to point out some definite mode and terms of reconciliation, in compliance with the prayer of that petition, pursuing the same spirit of peace which breathes through every line of it, and as a merited return for that confidential and respectful deference, by which they refer implicitly to his Majesty's wisdom and justice the mode and terms of accommodation, declaring in the most unreserved manner, that notwithstanding all their sufferings, they retain too tender a regard for the kingdom from which they derive their origin, to request such a reconciliation as might in any manner be inconsistent with her dignity or welfare, and that his Majesty will find his faithful subjects in America, ready at all times, as they have ever been, with their lives and fortunes, to assert and maintain the rights and interests of his Majesty and of their

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mother-country. These are the united words of North America; and surely, Sir, they contain every compliance and concession which can be demanded of them from this country.

It is upon these grounds that the proposals, which will be referred to your consideration to-day, are constructed. As I made a proposal last year, for an accommodation of our unhappy disputes with America, upon the grounds on which they were then declared to stand by the noble lord at the head of the Treasury, namely, that of raising a substantial revenue, I could wish to add a supplemental word, and to endeavour to meet the difficulties in which we are now declared to be involved, upon the new ground which the noble lord has this year taken, by his declaration, that revenue is not the present object, and that we would now make peace with America, without any other consideration, than a just and honourable reparation to our authority, for those affronts which it has sustained in the course of that resistance, to which the colonies have been so imprudently driven. The noble lord's words, at the beginning of the session, were to this effect: 'Would to God, that all things were in the same state, in which they were in 1763;' I will endeavour to join issue with him upon those terms; for though I think, that the ministry of this country have been at all times the aggressors, yet for the restoration of peace between the two nations, I think it not unreasonable to expect from America some concession to the national honour of this country. It must be acknowledged, in justice to the Americans, that they have offered beforehand, and of their own motion, to make any reasonable sacrifice to the national dignity. I shall take them at their word, and I think myself entitled, under their own declaration, to offer what, I hope, will appear to be no more than terms reasonable in themselves. This offer, from them, to make any reasonable concession to the national honour, is a full proof of their sincere desire for peace. The justice of this nation, on the other hand, I am sure, will not require of them any such concessions, for the sake of a treacherous peace, as may hereafter be inconsistent with their national liberty or safety.

I should naturally proceed to state the proposition of accommodation, but I must trespass upon the House for a few preliminary words on the subject of revenue; for notwithstanding the noble lord's declaration in the beginning of the session, I find that a hankering after a revenue still lurks in our heart. You may have that revenue, if you will receive it in a constitutional way, otherwise than that, you never will, nor ever ought to have it. Even if you could make out your right to tax America, yet justice, which is above all rights, requires that you should abandon that supposed right. It is the prerogative of the Commons of England to give and grant by their own representatives. The Commons of Ireland possess the same prerogative. The Commons of America have ever enjoyed the same. Had every thing been the direct contrary, that even the right of taxing unrepresented America had been undisputed, and the exercise customary and notorious; I contend, that when the oppression and grievances of unrepresented taxation had been laid before parliament, it would have been their bounden duty to have rectified their constitutions to our own model. If we boast, that taxation by representation is the prerogative blessing of our own constitution, reason and justice demand that we should have given the same to every part of the empire; and that we should measure out to others, as we have measured out for ourselves; for reason and justice are above all human rights. That government which maintains its own self-interested claims upon its own subjects, contrary to the laws of reason and justice, is no better than specious tyranny. America asks no more than the continuance of those privileges which they have always enjoyed. They offer to this country their lives and fortunes, when the requisition is laid before them in the constitutional way. The same offers are very particularly expressed by the several colonies of New-York, New-Jersey, Philadelphia, and Virginia, in the course of their public declarations during the last summer; therefore, the readiness of all America to contribute their proper proportions in a constitutional way, is beyond dispute. It is the greatest injustice and traduction of the colonies to accuse them of backwardness to contribute, or not to give them the merit of their incessant offers for the future, whenever called upon in a constitutional way.

However, I shall not enlarge upon the doctrine of requisition, in contrast with compulsory taxation, but I shall leave that upon the footing on which I endeavoured

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to state it on the draught of a letter of requisition, in our debates of the last year; only remarking, that the introduction of requisitions in the time of peace is novel, and therefore must be expected to be attended with many consequential alterations in the constitutional connexion of the colonies with this country. I mean, upon the restrictions of their trade, which have hitherto been always accepted as an equivalent to pecuniary contributions. If we should put the colonies upon a new footing of money contribution, in the time of peace, there can be no doubt, but that this country will think them entitled to relaxations in trade, in proportion as they contribute. I have no doubt, but that in future times, we shall come to be convinced of the narrowness of that policy, which thinks to cherish trade by restrictions. We shall see many of these poor expedients, in the same light as we now view the little policy of queen Elizabeth's reign, about corporations, apprentices, poor laws, &c. Therefore, though I might not have been the first proposer of this new system of contribution to peace, requisitions, yet I think it promises to open a more liberal system than what we are attached to now. The intercourse of one common cause, in the common defence of the whole empire, may form a new and salutary connexion between Great Britain and her colonies, instead of that connexion by grievous restraints, which will become more galling, and appear more absurd every day. We shall have at least the choice of two modes of receiving their assistance, which we may exercise according to the discretion of the case, sometimes through the channel of trade, sometimes through supply; the option may easily be adjusted, without either strangulating the hand of industry, or closing the hand of contribution. Ireland, besides providing for its own internal establishment, provides annually for the common defence, a considerable number of men in the land service. America may contribute to our naval supply, being that part of the common concern which forms the common bond of connection between us. Seamen, ships, or naval stores may be the contribution of America.

I will now come to the main object of the motion, which I shall have the honour of offering to the House this day, of drawing out some line of accommodation, by which satisfaction can be made to the honour of this country, and the colonies restored to their condition in 1763, according to the noble lord's own proposal. If there be, on the part of administration, any sincere desire of peace, I will endeavour to join issue with the noble lord, and offer terms of accommodation, by which, if the ministry will consent to replace America to their state in 1763, I shall, on the other part, propose that America shall give full satisfaction to the point of honour, and I think myself authorised to engage for every thing that can in reason be required from the Americans, under that declaration in their petition to the King, that they do not even wish for reconciliation, notwithstanding all their distresses, upon terms inconsistent with the dignity of Great Britain. Taking my ground from this declaration, I shall propose a recognition, not in words, but in fact, which should effectually replace the authority of this country (be it more or less, without any invidious line drawn) where it was in 1763. The test, which I shall propose, will be the registering some act of parliament by the assembly of each province, supposing the act of parliament in view, to be formed upon principles of justice, and such as the colonies would have received with a silent and thankful compliance in 1763.—All recognitions in words being unavoidably both invidious and insidious, a test bringing no line of authority or obedience into question, would be the only safe proposition. The Americans shall be as they were in 1763, if they will likewise admit an Act of Test, such as they would not have had the least scruple to have admitted in 1763. Let us throw a veil over all the theoretical disputes of the rights of subjects, either as colonists, or as men at large; let us not discuss the rights reserved, or supposed to be reserved, at their emigration, whether tacitly or explicitly; let mutual concessions on both sides bring the two parties together; let the Americans be replaced where they were in 1763, if they will admit and register in their assemblies, such an act of parliament as they themselves shall confess that they would have admitted in 1763. It is not an unreasonable request to make to America, that they should treat an act of parliament, flowing from principles of general humanity and justice, with a different reception to what has been given to acts of grievance.

It is certainly dangerous to disturb questions of the rights and extent of empire or obedience, because, after that, even acts of acquiescence may be con-

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strued to involve hazardous concessions, supposed to be included in the principles which have been brought under contest. But in the state of human affairs, we must not always be too scrupulous. Something must be given up for peace. A civil war never comes too late. Let the Americans take their situation as it was in 1763, for better and for worse. In the present miserable prospect of things, that is a fair and equitable bargain. The object of the act of parliament to be proposed to America, may be perhaps in the event the abolition, but at present can only be considered as the first step to correct a vice, which has spread through the continent of North America, contrary to the laws of God and man, and to the fundamental principles of the British constitution. That vice is slavery. It would be infinitely absurd to send over to America an act to abolish slavery at one word, because however repugnant the practice may be to the laws of morality or policy, yet to expel an evil which has spread so far, and which has been suffered for such a length of time, requires information of facts and circumstances, and the greatest discretion to root it out; and moreover, the necessary length of settling such a point, would defeat the end of its being proposed as an act of compromise to settle the present troubles: therefore the act to be proposed to America, as an auspicious beginning to lay the first stone of universal liberty to mankind, should be what no American could hesitate an instant to comply with; viz. That every slave in North America should be entitled to his trial by jury in all criminal cases. America cannot refuse to accept and to enroll such an act as this, and thereby to re-establish peace and harmony with the parent state. Let us all be re-united in this, as a foundation to extirpate slavery from the face of the earth. Let those who seek justice and liberty for themselves, give that justice and liberty to their fellow-creatures. With respect to the idea of putting a final period to slavery in North America, it should seem best, that when this country had led the way by the act for jury, that each colony, knowing their own peculiar circumstances, should undertake the work in the most practicable way, and that they should endeavour to establish some system, by which slavery should be in a certain term of years abolished. Let the only contention henceforward between Great Britain and America be, which shall exceed the other in zeal for establishing the fundamental rights of liberty to all mankind.

Sir, before I make my motions I will just give you a breviate of them in the order in which I shall offer them to the House. They speak for themselves. The first is for a suspension of arms during the treaty of pacification; for how can men deliberate with the bayonet at the breast? How can they treat with freedom while their towns are sacked, when daily instances of injustice and oppression disturb the slower operations of reason. The second is to restore the right of electing an assembly and council to the colony of Massachuset's Bay, whose charter you have confiscated. As I wish to act the part of a mediator, to soften matters between irritated parties, and not to require any concessions that might even be thought too humiliating, I have been very cautious in this second motion. Thinking as I do, that this country (I should say the ministry of this country) has been the aggressor in every thing; I might move for a total repeal of the Charter Act, but instead of that, I simply ask for no more than is absolutely necessary to proceed by mutual concessions, by putting the proscribed colony into a capacity of reconciliation. Give them an assembly and council, and when they have registered the Act for jury to slaves, let not only the Charter Act be *ipso facto* repealed, but all other Acts since 1763. These are my third and fourth motions. Let there be no ambiguity; let every thing be definite. When your authority is replaced as it was in 1763; let the colonies likewise be replaced as they were in 1763 without equivocation or abatement. I propose to you fair and equitable terms, as a dispassionate mediator. If I required of you to repeal and rescind every Act unconditionally, I might be thought a partizan and not a mediator, but in every thing that is consistent with justice I would wish most scrupulously to consult the dignity of this country. The part of a mediator between a parent state and its colonies, is to afford to one an honourable occasion of exerting its justice and generosity, and to restore to the other the wished for opportunity of evincing the sincerity of their professions by every testimony of devotion becoming the most dutiful subjects, and the most affectionate colonists. Could I but hope that you would allow a plan of mutual concession and pacification to pro-

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ceed thus far, who would not run foremost in an act of oblivion? It would be the blessed olive branch of peace, and a festival of commemoration to our latest posterity. As to my last motion, for requisitions, it is to the same intent with the draught of a letter of requisition which I had the honour of offering to the House last year, and which, if they had accepted, (instead of the noble lord's compulsory proposition) all might have been peace now; for the Americans have again assured his Majesty in their petition, which is now before you, that whenever requisitions are made in the accustomed and constitutional way, that they will be ready and willing, as they ever have been, with their lives and fortunes, to assert and maintain the interests of his Majesty and of their mother-country. I have put it in order, as the last resolution to take away every idea of constraint, and to reinstate the Commons of America in the inestimable privilege of freely giving and granting their own property as the Commons of Great Britain and of Ireland do, and as the Americans have always hitherto done. They never have been reluctant to contribute their full proportion to the common defence in a constitutional way. This, Sir, is the substance of my propositions. I hope the plan may be thought definite, satisfactory, and practicable. It will be a test of sincerity to both sides. The objects of the plan are, to support the dignity of Great Britain as the parent state, to afford redress of grievances to America, to restore peace to this distracted empire, and to re-unite its common interests and exertions into one common cause. He moved,

"That an Address be presented to his Majesty, humbly setting forth, that his Majesty's subjects in North America, having, in the most dutiful manner, laid their grievances before his Majesty, and having humbly besought the gracious interposition of his royal authority and influence to procure them relief from their afflicting fears and jealousies, and having in the most earnest terms declared their attachment to his person, family, and government, with all the devotion that principle and affection can inspire; and having solemnly assured his Majesty, that connected with Great Britain by the strongest ties that can unite societies, and deploring every event that tends in any degree to weaken them, they not only most ardently desire that the former harmony may be restored between them, but that a concord may be established upon so firm a basis, as to perpetuate its blessings, uninterrupted by any future dissentions, to succeeding generations in both countries; and having farther assured his Majesty, that notwithstanding their sufferings during the course of the present controversy, their breasts retain too tender a regard for the kingdom from which they derive their origin, to request such a reconciliation as might in any manner be inconsistent with her dignity or her welfare; and that the apprehensions which now oppress their hearts with unspeakable grief being once removed, his Majesty will find his faithful subjects in America, ready and willing at all times, as they ever have been, with their lives and fortunes, to assert and maintain the rights and interests of his Majesty, and of their mother-country; and having, with all humility, submitted to his Majesty's wise consideration, whether it may not be expedient that his Majesty be pleased to direct some mode, by which the united application of his colonists may be improved into a happy and permanent reconciliation, his faithful Commons humbly beg leave to represent, that however well disposed his Majesty's subjects in America may be, according to their most earnest professions, to return to their former obedience and constitutional dependance, yet that the horrors of war and bloodshed raging in their country, must drive them to distraction and despair; and further, his faithful Commons beg leave to recommend it to his Majesty's parental consideration, that a return to their duty, of their own free mind and voluntary compliance, would insure a more cordial and permanent reconciliation, than any reluctant submission, which, through much bloodshed of his Majesty's subjects, could be enforced by the sword; therefore his faithful Commons most humbly beseech his Majesty, that he will be graciously pleased to give orders for putting a stop to the further prosecution of hostilities in America, thereby to prevent the further destruction of the lives of his Majesty's subjects, and to afford the wished-for opportunity to his colonists, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects, and the most affectionate colonists."

Sir *George Savile*. I rise, Sir, under difficulties common to me, and to all who speak from this side the House; but then they are collateral and adventitious diffi-

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culties. If we urge that we have been unjust; we are answered that that matter has been long since decided. If we state that nothing is to be got even by victory; we have the same answer. If we argue that our measures are impracticable, and that success is beyond our power; the House will not endure to hear the power of this country called in question. He is a friend to rebellion who dares hesitate concerning the comparative force of the contending parties. Or, if I should touch on the topic of lightning the chains of slavery in America, recommended by my hon. friend, a learned gentleman will perhaps tell me that I am not a Whig, for that Whigs were ever fond of despotism. But I spoke guardedly when I said that these were collateral and adventitious difficulties only; for, on the naked matter itself, were a bye-stander to judge, it should seem that the harder task would be to point out or create the difficulties. For what is the case? I ask the gentlemen on the other side of the House, what are their wishes? I am answered "Would to God we were in the situation of 1763." I ask the colonies. I am answered "Would to God we were in the situation of 1763." I know well that there are various senses in which this phrase may be understood. Oh! Sir, there is indeed one sense in which, God knows, we cannot be restored to the situation of 1763. Who will restore to this country the blood that has been shed? Who will restore those gallant men to their country, whose lives have been lavished, and spent, and misspent in the fatal contest? Who will make good to me my share in a Howe, a Clinton, a Burgoyne, whose fate is now standing on a die? These sentiments, Sir, have long pressed upon my mind, but I did not feel the weight of them till this day: four hours ago I felt not half their force. Men's value is not known till they are lost; four hours ago this country had a man, his country has him no more. One of your members, Sir: a member is perhaps soon replaced. But where shall we find his fellow, who, having in his vigour carried your arms in glory to the extent of your empire (that empire the ocean) when called upon by his country in the dregs of life, with a constitution worn down in your service, urged on and goaded his tottering limbs, with hobbling haste and feeble alacrity, to climb the well known steps of the ship's side to meet your enemy. I trust, Sir, the House will not think me guilty of an uncomely tautology if I have said a word or two on a subject already touched by my hon. friend. No, Sir, let it rather be an order of your House that for one day at least, while the memory and the gratitude yet remain, none shall speak without paying his just tribute, to that respectable, that gallant, that honest public man. But, Sir, I beg your pardon, and I return to state that I am constrained to allow, that the repealing of bills, recalling troops, undoing every act, is not virtually and effectually bringing things back into the same situation as if they had never been done; and I acknowledge, too, that some test may now be wanted on the part of the colonies to balance our acts of generous conciliation. Shall this test be in words? Their words you will not take. You are sure they aim at independence, because they disavow it. You are sure they will not give on requisition, for they say they will. Oh! but you have better proofs. You have a certainty they will not, for they always have. They have always done it, they have over-done it. And in truth this is the kind of proof we have been used to; we are well broke in, and we bear it. The satisfactory earnest this House accepted, of our future success, was, that we had hitherto miscarried. The proof that we are now sure to direct our force wisely, was that we have hitherto blundered most egregiously. The House has paid due regard to these arguments, and we have voted as we were desired. We have adopted the logic, and the precedent applies to the case before us. Well then, it is allowed, their words are not to be taken. Their former loyalty to this country shall not pass for any thing but proof of their future disobedience. Allowed, my friend's propositions meet you then on that ground. He looks for an actual, fresh test of living obedience; an enrolling a British act of parliament; to which I hope it will not be a capital objection that it is not oppressive, that it is not unreasonable; and has morality, humanity, and the rights of a part of mankind, for its object and foundation. I second the motion of my hon. friend.

Lord *North* said a few words relative to the unseasonableness of the motion, till a Bill of such vast extent as the Prohibitory Bill going through the House, was first tried.

Mr. *Burke* said, that the very reason assigned why the present motion should not be agreed to, was the best reason for

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agreeing to it; for, if the Bill, and the measures and principles which gave birth to it had not made their way into parliament. there would be no occasion for the present motion.

Lord *John Cavendish* spoke in favour of the motion, but said he despaired of success, as the ministry, supported by a majority, were determined to push matters to the utmost extremity.

Mr. *Sawbridge* said, it had been very fashionable both within and without doors, to stigmatise the Americans as cowards and poltroons, but he believed, the truth would be found on the other side; for he was well informed, that the King's troops at the action of Bunker's-Hill consisted of 2,500 men, and the provincials not quite 1,500, and even those 1,500 would have completely defeated the King's troops, if their ammunition had not been totally spent.

Lord *North* said, he was but an indifferent judge of military operations; but by the best accounts he could obtain, the provincials were at least three to one, and were besides very strongly entrenched. Even by a Gazette published under their own immediate authority, in the list of the killed and wounded, it appeared that 19 regiments had suffered, which was a proof that so many were present, and that computing them at 500 men a regiment, and making the usual allowances, there could not be less than 8,000 provincials that day defending the lines at Bunker's-Hill.

Governor *Johnstone* observed, that the noble lord laid great stress on the advantage the provincials had gained over the King's troops, by being so well posted, and defended by trenches and breast-works. But he must draw a very different conclusion, as he thought the assailants had the advantage; and he was not singular in his opinion, for one of the greatest generals Europe ever beheld (marshal Saxe) had, in his Reveries on the Art of War, expressed himself of the same opinion. At all events, there was something fatal to the noble lord's arguments either way, for either the works were weak, and therefore the provincials defended them bravely, or being strong, it shewed what a dangerous enemy they must be, who could raise, and so judiciously construct such works, from 11 o'clock at night, on a summer's evening, till day-break the next morning.

Colonel *Morris* observed, that by the best intelligence he was able to obtain, the provincials entrenched on Bunker's-Hill, and engaged on the 17th of June, were about 5,000 men, which was in the proportion fully of two to one.

The question being put, the House divided.

Tellers.

YEAS	Mr. Fox - - - - - Mr. Dempster - - - -	21
NOES	Lord Stanley, - - - Sir Grey Cooper - - -	123

So it passed in the negative.

Mr. *Hartley* then moved, 1. "That leave be given to bring in a Bill to empower the inhabitants of the province of Massachuset's-Bay, to elect an assembly and council, in the manner directed by the charter granted to the inhabitants of that province, by their majesties king William and queen Mary, bearing date the 7th of October, in the 3rd year of their reign. 2. That leave be given to bring in a Bill to establish the right of trial by jury in all criminal cases, to all slaves in North America; and to annul all laws of any province repugnant thereto, and to require the registering of the same by the respective assemblies of each colony in North America. 3. That leave be given to bring in a Bill to establish a permanent reconciliation between Great Britain and its dependencies in North-America, and to restore his Majesty's subjects in North-America to that happy and free condition, and to that peace and prosperity which they enjoyed in their constitutional dependence on Great Britain before the present unhappy troubles. 4. That leave be given to bring in a Bill for a free pardon, indemnity, and oblivion. 5. That an humble Address be presented to his Majesty, to lay the opinion of this House before his Majesty, That it may be proper when the present unhappy disputes in North America shall be brought to an amicable termination, that his Majesty should be graciously pleased to give orders, that letters of requisition be written in the accustomed manner to the several provinces of his Majesty's colonies and plantations in North America, to make provision for the purposes of protecting, defending, and securing the said colonies and plantations." All which were passed in the negative.

Debate in the Commons on the American Prohibitory Bill.] Dec. 8. The order of the day being read for receiving the report of the American Prohibitory Bill, counsel were called in and heard, in support of

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the petition from the West India planters and merchants against the Bill. It was moved to postpone the further consideration of the report till the 23d of January, 1776.

Lord *North* moved, that the amendments made by the committee, be now read a second time.

Mr. *T. Townshend* condemned this mode of hurrying on the national business; it was disgraceful to parliament, and offended every rule of decency. It was injurious to the nation at large, and it fully verified, what had often been asserted and lamented, that our laws were become the mere edicts of the council table, or rather the dark machinations of a desperate cabal of ministers, and not the laws of free, deliberative assemblies, uninfluenced by any other consideration, but the good of the kingdom. He hoped, however flushed with victory the minister might be, for form's sake at least, he would consent to put off the report till after the Christmas recess: besides, he recommended his lordship seriously to reflect how fatal it might be, if the measure, which he seemed so eager to carry, should fail; and think in time in what manner he could face his friends, if compelled to meet them at the commencement of the next, as he did at the present session, with the doleful tidings, that he was again deceived.

Sir *George Hay* spoke of the Admiralty courts, and their immediate connection with the civil law, and the near affinity this Bill bore to both, as one of their genuine offspring. He said it was the wisest and most salutary measure that had been hitherto devised for compelling the rebellious Americans to return to their duty. He observed, that they might beat our army, but they could not beat our navy; for, he was confident, the latter was powerful enough to cope with the combined force of all Europe.

Mr. Serjeant *Adair* made no doubt but the present Bill bore a much nearer affinity to the civil law than to the common law of England; the former was the parent of tyranny, despotism, and arbitrary power, and no person who attended in the least to the present Bill, but must see at the first glance it was a compound of them all, and consequently, like its parent, the very reverse to the laws of England, and totally repugnant to the glorious constitution which gave them birth. Without pretending to the gift of prophecy, he might venture to foretel that the Bill would bring destruction on this country; and, applying to the noble lord in the blue ribbon, asked him, if he was so misled or mistaken, as to imagine that 120 or 200 servile associates would be a sufficient protection to him in the hour of trial, when the nation, finding itself ruined, would rise almost as one man, to avenge themselves on the guilty authors and advisers of such destructive measures.

Sir *Richard Sutton* said, that this country had numerous channels for its trade and commerce, and great consumptions within itself; but America had neither. Their rice, tobacco, corn, lumber, indigo, &c. must go to other markets; he therefore thought the Bill the most effectual means to restore the people of that country to their senses.

Governor *Johnstone* opposed hurrying the Bill in such a disgraceful manner, which he said, was one of the most oppressive and tyrannic measures that could possibly enter into the mind of man to conceive. He observed, that you might put the Americans to the torture, you might starve, proscribe, or do any thing which malice or despotism could suggest, but you would never prevail upon them to consent to taxation.

Mr. *Fox*. I have always said, that the war carrying on against the Americans is unjust, that it is not practicable; but admitting it to be a just war, that it is practicable, I say, that the means made use of, are by no means such as will obtain the end. I shall confine myself singly to this ground, and shew that this Bill, like every other measure, proves the want of policy, the folly and madness, of the present set of ministers. I was in great hopes, that they had seen their error, and had given over coercion, and carrying on war against America by means of acts of parliament. In order to induce the Americans to submit to your legislature, you pass laws against them, cruel and tyrannical in the extreme. If they complain of one law, your answer to their complaint, is to pass another more rigorous than the former: but they are in rebellion, you say; if they are, treat them as rebels are wont to be treated. Send out your fleets and armies against them, and subdue them; but let them have no reason to complain of your laws. Shew them, that your laws are mild, just, and equitable, that they therefore are in the wrong, and deserve the punishment they meet with. The very contrary of this has been your

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wretched policy. I have ever understood it as a first principle, that in rebellion you punish the individuals, but spare the country; in a war against the enemy, you spare individuals, and lay waste the country. This last has been invariably your conduct against America. I suggested this to you, when the Boston Port Bill passed. I advised you to find out the offending persons, and to punish them; but what did you do instead of this? You laid the whole town of Boston under terrible contribution, punishing the innocent with the guilty. You answer, that you could not come at the guilty. This very answer, shews how unfit, how unable you are, to govern America. If you are forced to punish the innocent to come at the guilty, your government there, is, and ought to be at an end. But, by the Bill now before us, you not only punish those innocent persons who are unfortunately mixed with the guilty in North America, but punish and starve whole islands of unoffending people, unconnected with, and separated from them. Hitherto the Americans have separated the right of taxation from your legislative authority; although they have denied the former, they have acknowledged the latter. This Bill will make them deny the one as well as the other. What signifies, say they, your giving up the right of taxation, if you are to inforce your legislative authority in the manner you do. This legislative authority so inforced, will at any time coerce taxation, and take from us whatever you think fit to demand. It is a Bill which should be entitled, a Bill for carrying more effectually into execution the resolves of the Congress.

Lord *North* had not the most distant intention of distressing the inhabitants or hurting the trade of the sugar colonies. If, therefore, any of the provisions of the present Bill should affect the West-India planters, he was sorry for it: but as things were now circumstanced, he feared it was not to be avoided. In civil convulsions of this kind, it was plain, that many must suffer; it was a necessary consequence of such a state of things; but still, if the measure was a good one, or the best that could be devised, it must be taken with all its consequences. Parliament have thought fit to adopt it, and till they think proper to alter their opinion, it is absurd to object that this body of men, that island, or such and such places, will feel the temporary effects of it; but, said his lordship, till it is made manifest, that the inconveniencies complained of, are shewn to outweigh the general interest we have in preserving the dependency of America on this country, every argument maintained on the ground of temporary or local inconvenience, must be nugatory and absurd.

Mr. *Burke* said, the noble lord's argument came fairly to this: first, determine on your measure, submit it to parliament; and if any one offers to reason, enquire, or ask questions concerning its propriety, let the adviser, or proposer, or submitter, rise, and very gravely assure his auditors, that all such enquiries, reasons, questions, or objections, are totally nugatory and absurd; for we are not come to argue on it, the measure itself being already determined on. This was a new kind of logic: but very well calculated for expediting public business: and every way worthy of its noble author and teacher.

Lord *George Germaine* contended, that the Americans brought the troubles on themselves, by resisting the authority of this country. The gentlemen on the other side say, why did not the government of Massachuset's Bay discover the first rioters at Boston and punish them, and let the matter rest there? I will tell them why. Because the council refused to co-operate with governor Hutchinson on that occasion, who did every thing in his power to persuade them. Whatever may be urged against this Bill, and its advisers, it is, in my opinion, the readiest way to make the Americans return to their duty; for as soon as any province submits, its ports will be opened, and its trade and commerce from that moment restored. Whenever peace shall be restored, if I have been in the least instrumental in effecting so desirable an end, I shall feel the greatest pleasure and happiness from it: and whatever ill-natured interpretation may have been put on my conduct, I can assure the House, that I never sought for the office I have the honour to fill, nor wished for it, further than I flattered myself I might be serviceable to my country.

The question was put on lord North's motion, and the House divided: For it 143; against it 38.

Mr. *Burke* then moved: 1. "That it is necessary and proper to come to a resolution, that evidence concerning the state of America, the temper of the people there, and the probable operations of an Act now depending, is unnecessary to this House;

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this House being already sufficiently acquainted with those matters. 2. That there be laid before this House such advices as may enable this House to judge of the present state and condition of his Majesty's loyal and dutiful province of Georgia." They passed in the negative.

Dec. 11. Governor *Johnstone* moved, "That no evidence has been produced to this House, to shew that many persons in his Majesty's colony of Georgia have set themselves in open rebellion, and defiance to the just and legal authority of the King and Parliament of Great Britain, or have assembled together an armed force, or engaged his Majesty's troops, or attacked his forts, or prohibited all trade and commerce with this kingdom, and the other part of his Majesty's dominions." He observed, that Cato and Socrates in Athens and Rome, stood alone to oppose venal and corrupt majorities. Those celebrated commonwealths, in their decline, were what Britain is at present: luxury, venality, public prostitution, and a total disregard to the interests of their country, prevailed: majorities then, as well as now, were procured by the most base and scandalous means: those majorities were composed of the most worthless and profligate individuals of the community, of gladiators, pimps, sharpers, parasites, and buffoons. Almost every man in Rome and Athens had his price; and if any thing remained unsold, it was only for want of a purpurchaser. The few who retained any sense of honour were reviled or despised. Their opposition was attributed to factious or interested motives, or they were treated as men acting under the influence of delusion and ideal perfection, and misled by impracticable schemes of policy and legislature. It was the misfortune of the times, that they both fell a sacrifice to the malice of their enemies; but it was a still greater misfortune, that neither of them were survived by the liberties of their country. Cato and the Roman commonwealth perished together; the liberties of Athens were no more, when Socrates fell a victim to the rage of his merciless persecutors. He then turned to the question, and observed, that the loyal colony of Georgia was now entered in the black catalogue. It was marked out for destruction, as well as the province of Massachuset's Bay; the latter, for defending their liberties, which were immediately invaded; the former, because they disapproved of the inhuman measure of condemning people unheard and untried.

Mr. *J. Johnstone* seconded the motion, and said, he believed it was the first time a whole province was proscribed, without some imputation of guilt. Most of the other colonies had done something, which might be construed into resistance, or a preparation for it; but in the case of Georgia, it had not been even urged in debate, much less proved, that they had committed a single act, which the most willing, ingenious, most expecting, or best paid lawyer in the House, could sketch even so far as a misdemeanor. And what would be the certain consequence of the present Bill? But that a whole province was to be proscribed, its trade ruined, and its inhabitants declared rebels, and compelled to submit to tyranny, or consent to be starved.

Lord *North* had no objection to have evidence examined, but he presumed, the witnesses meant to be moved for, were the West-India merchants, who probably would think themselves interested in the event of the examination, and who, besides, could not possibly be sufficiently acquainted with the present state of the colony, to give the House the necessary information. Though Georgia was not actually in arms, or in a state of open rebellion, it was nevertheless well known, that they acted in conjunction with the other colonies, and there could not be a more decisive proof of their disposition, and the part they meant to take, than their having sent delegates to the continental congress.

Mr. *Dempster* animadverted very severely on the doctrine maintained by the noble lord, that of prejudging, and on that prejudgment, proceeding to inflict punishment. He said, such a conduct was more horrible in its consequence, and more repugnant to the generally established ideas of justice, than any thing yet imputed to that bloody tribunal the Inquisition, for even the inquisitor proceeded on information, heard the culprit in his own justification, attended to the proofs, and pronounced his sentence according to certain stated rules, established by the inventors of this mock judicature. You have drawn the colonies into the dilemma of taking up arms, or of submitting to be slaves, and then desire them to lay down their arms, and you will hear their complaints. This was the language of Charles 1 to his parliament, and of every other tyrant, from William the Conqueror to this day.

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Mr. *Pownall* (Secretary to the Board of Trade) detailed the different proofs the Georgians had given of a rebellious disposition. He observed, that in honour to his Majesty, two days before his last birthday, they threw the cannon of one of the forts in the province, into the river: forcibly entered the powder magazine, and plundered it of every ounce of its contents. Their own newspapers were full of accounts of these exploits. If any other proof was requisite, the last resolution of their committee must be sufficient to convince the most unbelieving, for they had voted 10,000*l.* towards what they called the common cause, which, in his opinion, shewed plainly that they were in earnest.

Mr. *Burke* said, this was the first time he ever heard newspaper information made a foundation for any solemn proceedings in that House, except an odd time, when the gentlemen of the quill made free with the noble lord who sat on the Treasury bench, and a few of his chosen friends in both Houses. He said, he sometimes frequented a coffee-house near the House, and he had a right to say, that the master of it was extremely negligent of his duty, for he had never laid any of those hostile papers the hon. gentleman mentioned before him; yet on recollection, he could not help thinking that this House, and not coffee-houses, would be the fittest place to look for information; but he was sorry to say, that this House was one of the last in the island he would look to for any kind of information. On the whole, he was sorry to perceive so sudden an alteration in the hon. gentleman, for he remembered when the hon. gentleman in office was not a member, no man was clearer, none readier to communicate, in the most candid manner, every intelligence that was proper, or consistent with his situation. For that reason, said he, I fear there is something infectious in the air of this House. This gentleman, who not long since was intelligence itself, seems to have been at once emptied, and instead of drawing from his usual source, is suddenly obliged to draw his most important information from the newspapers.

The motion was negatived.

On the order of the day for the third reading of the Bill,

Mr. *Bayley* said: I am well convinced there never entered this door, a Bill fraught with such injustice and cruelty as the present. In order to wreak the revenge of a vindictive ministry on the Americans, you are now going to ruin all the plantations in the West India islands, and to give their present produce up for plunder to your sailors, before the inhabitants can have any notice of your intentions. And by this infamous trick you think you shall be able to man your fleet without giving any bounties to your seamen, which I much doubt if you will find answer after all; yet the attempt is so very base and wicked, that I defy any one to mention such an instance even amongst the most savage nations, where a minister ever dared to give up such a number of innocent persons to plunder, without the least crime being laid to their charge. Sir, I have several times told the House, that before the Congress had shut up the American ports, which was the 10th of Sept. last, a great number of their vessels sailed for the West Indies, chiefly in ballast, where the planters are now loading them under the sanction of our Acts of Navigation, never suspecting that we are this day capable of making a law which is to entrap them, by enacting, that unless American vessels came to them loaded with lumber or provisions, and obtained a certificate of it to bring with them to Great Britain or Ireland, with a particular description of their cargoes then on board, that the planter's property was to be seized and made lawful prize of, although they could not possibly know of any such stipulations; therefore, Sir, I frequently urged how unjust it would be, not to give the inhabitants of those islands timely notice of your design before you subjected their goods to forfeiture. I now again, Sir, have a clause in my hand to offer for this purpose, and if it be not accepted, all mankind will agree in seeing the intention of this Bill in the same light that I do. But, Sir, the noble lord at the head of the Treasury insinuates, that no injury is meant by this Bill to any of the proprietors of West India estates: if that was really the case, his lordship could have no objection to such a clause; but what serves to convince me more than any bare professions is, that no one will accept the 1,000 guineas I have declared myself ready to give, to whoever will indemnify my property that is now at sea from being seized, until I can send information to my managers in Jamaica to forbear shipping any more on American vessels. Sir, I think it an infamous robbery to have my property taken from me without having infringed any law whatever, and without

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giving me time to guard against such laws as you are making. Although the loss I may sustain on this occasion may not much affect me, I know many of the inhabitants of the West India islands will be ruined by it, having the greatest part of what they are worth in the world on board American ships now on their passage to this kingdom, and which is now out of their power to remedy. And notwithstanding they are insured against the risk of the seas, and even pirates, yet I am sorry to say that after escaping all these, their ruin is inevitable, from rapacious and unprincipled ministers.

The question being put, that the Bill do pass; the House divided.

Tellers.

YEAS	Mr. Rice - - - - Sir Grey Cooper - -	112
NOES	Mr. Frederic Montagu Mr. Feilde - - - -	16

So it was resolved in the affirmative.

Debate in the Lords on the American Prohibitory Bill.] Dec. 15. The American Prohibitory Bill was read a second time; after which,

The Duke of *Manchester* said: I rise, my lords, to give a negative to this Bill, because, with all the attention I have been able to bestow in considering and examining its contents, I cannot discover on what ground of policy, justice, or expediency, it can be fairly supported. I must observe, that the manner of hurrying, and the season of the year at which this Bill has been introduced into parliament, in remarkable thin Houses, at a time when no business of importance ought to be brought under your lordships' consideration, unless in cases of the most urgent necessity, is to me one very great objection to sending it to a committee. If we examine this Bill, my lords, we shall find the great principle of it to be founded in the most aggravated injustice. We shall find it involving the innocent and guilty in one common punishment, and, above all, we must lament to see public and parliamentary encouragement given to the subjects of one part of this great empire to destroy and pillage the other. Looking again to the sanction of the Bill, and to what is virtually to force it into operation, we find one of the fundamentals of this constitution invaded. The unhappy people are not only destined to destruction, they are likewise to be plundered; and to insure the execution of the measure, the plunder is to be shared among those who are to be employed to effect this barbarous business. The matter I allude to, my lords, is that clause which authorizes the seizure of every species of American property, found floating on the sea, or in their ports and harbours; and shares the spoils thus taken, among the captors. This, I will maintain, is a direct violation of that yet sacred palladium of our liberties, the Bill of Rights; a palladium which it is not in your lordships' power to alter, violate, or abridge, without a direct invasion of the constitution. That invaluable law, my lords, enacts, that the property of no subject of this realm shall be seized or confiscated, without previous trial or conviction. Is that the case here? Will any of your lordships say, that the clause of this Bill, which gives the seizure to the captors, is not the most violent outrage on property that can possibly be conceived? In the first instance, the ships, goods, &c. are seized and turned over to the Admiralty court, where they are condemned of course. Thus at one instant the mischief is done, and the means of obtaining justice completely defeated. Part of my leisure hours, my lords, I dedicate to reading; and since this Bill made its appearance in the other House, I have looked into books the most likely to instruct me on this head, to see if history could furnish me with a precedent of a similar nature; I found but one, that bore the least resemblance; and that was the conduct of the second emperor of China, of the Tartar race, who issued an edict, directing that all the inhabitants on the sea coasts should burn and destroy their towns and their shipping. The edict was punctually and rigorously executed, and several thousand people lost their lives in the cruel devastation. This matter now alluded to, applies equally to the justice and policy of the Bill. My lords, I think it is impossible to hear or read of the present struggle of America, in resisting the oppressions she daily suffers, and the accumulated horrors with which she is threatened, and not be highly interested in the event. I feel similar impressions, but in a stronger degree, to those made on me in reading of the actions of Alexander, as described by Quintus Curtius, or the issue of the battle of Pharsalia, where Cæsar gave the world a master. It is impossible, while the scene is yet passing, not to be deeply affected in the event of the present mea-

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sures. My lords, I should be obliged to any of the noble lords in administration, to rise and inform me what is the true ground on which they mean to rest the motives of this ruinous and unnatural war. Is it for a revenue? No; that has been disclaimed by them in this House, on the first day of the present session; and it has been since frequently and openly avowed, that no revenue is expected. "It is," said they, "no object; and if it were, for the present, such a scheme would be inexpedient. We want America only to acknowledge a constitutional dependency on this country, an acknowledgment of the power of this legislature; and we then wish to give them perfect security and full enjoyment of their subordinate constitutional rights." Does such a language comport with the principles of this Bill? Are any offers held out to induce the Americans to return to their duty, and acknowledge their subordinate dependency? Is the claim of taxation given up, or even suspended, in order to remove the apprehensions such a claim has justly excited in that country? No, my lords, the whole question lies at issue, as when the differences first arose, and war as against alien enemies, is by this Bill, denounced and publicly declared, without a single syllable of conciliation or concession; and that with an express intention of supporting, in the most unqualified manner, every one claim hitherto set up by this country over that. When a rebellion raged in the northern part of this island, a rebellion fomented and carried on against the establishment in church and state, no such prohibition as the present was thought on. Many of the people in that part of the kingdom, remained firm and loyal. In such a case, an act of this nature would be impolitic and unjust. We have been told frequently, that great numbers of people in America continue friends to government. Why then punish them? Why adopt such a plan of indiscriminate injustice? Why involve the innocent and guilty in one general judgment? This Bill may establish in future a claim, at least an expectation, which I dare say, your lordships do not foresee. Suppose, my lords, another rebellion should break out in the northern or southern part of this island; would not the soldiery in such a case have as good a right to expect the plunder and confiscations consequent on the reduction of the rebels, as the seamen are given by this Bill? I see no reason that they should not. It would operate as an encouragement, and every motive would apply in one case, that can possibly operate in the other. Every argument that can be urged in behalf of the innocent and unoffending part of the inhabitants of America, still more strongly, if possible, operates in behalf of the West India islands, which by this Bill are to be included in the general proscription, without even so much as the slightest imputation of guilt. The West Indians too, are to be starved and ruined, to effect the desirable purposes of administration. Destitute of provisions and lumber, they cannot exist; or supposing they could procure the former, what are they to do with their crops? Or on supposing they could preserve their crops, which it is well known they cannot, how is the produce to be exported to the European markets?—Having said thus much to the general policy and justice of the Bill, give me leave to say a word or two to the expediency of it. Though the Bill were perfectly justifiable in every other respect, this at least will deserve your lordships' most mature deliberation; what force can you send out, with safety to yourselves, sufficient to carry this mass of oppression into execution? Recruits cannot be procured on any terms. Germans, it is well known, will not answer your purpose. The Russians cannot assist you, as they are likely to have employment enough nearer home; besides, administration affect to disclaim ever having any such intention, though I believe the contrary is well known to be true. Whence, then, are you to draw all your force? By the complexion of this Bill, I should be inclined to think the whole weight of this business is thrown on the navy; but will your lordships think it prudent to leave yourselves in a great measure defenceless at home, while the affairs of the north of Europe present themselves in their present form? I believe not. A storm, I am well informed, is gathering in that quarter. Russia and Sweden are making preparations for war. Prussia has interfered; and France, in case of an actual rupture, will give Sweden its promised protection, and that by a fleet. In such an event, I shall not insist, that a British fleet will become necessary in the Baltic; because I presume that none of your lordships can imagine that Great Britain would remain inactive, and see France send a naval force into the northern seas; and that to act against the power in Europe with which

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she stands most closely connected and allied. My lords, I shall sit down, with making an observation on the concluding clause of this Bill, empowering the King to grant pardons to persons of whom you know nothing. In my opinion, it is a very dangerous extension of prerogative. I have no fear that his Majesty will make a bad use of it. I am sure he will not designedly; but I contend, that a prince, even of the best talents and first rate powers of discrimination, cannot attain such a knowledge of the abilities and characters of the persons to be appointed under this commission, as to prevent his being imposed on, in the recommendations made to him; and that consequently the power is an improper one, because from the very nature of it, with the best intentions in the prince, it is likely to be abused. For this, and the other reasons before stated, I am against committing this Bill.

Lord *Lyttelton*. I confess I am much astonished at the two assertions the noble duke sat out with; that the Bill had been brought in at an improper season, and had been carried through thin Houses. For my part, I beg leave to think very differently from his grace, at least to draw very different conclusions. The necessity of the present Bill justifies the bringing it in at the time; and I imagined I should never hear the objection of non-attendance arise from that side of the House. If the Bill has been badly attended on the part of opposition, in the other House, whose fault is that? Is a breach of public duty in them, to be imputed as a crime to their adversaries? I should imagine it is rather an argument in the favour of administration. If we turn to the other part of the noble duke's assertion, we shall find it equally ill-founded. The Bill took a due time in passing through its several stages, and was solemnly debated in its progress, clause by clause. The noble lord who conducts the public business of the nation in the House where it originated, sustained the whole weight of opposition; obviated the several objections that were made to it in the course of those debates, and convinced the independent part of the House of its utility and necessity. Such being the circumstances attending this Bill, I am authorised to say, that it was neither brought in at an improper season, nor was it indecently hurried. No charge of the latter kind can, in my opinion, therefore, be made against administration. On the contrary, it is well known, and now confessed on all hands, indeed the noble lords on the other side, have urged it as a fault that administration have committed, that they delayed instead of hurried, the necessary measures for reducing this obstinate and rebellious people; from motives of lenity, and wishing to prevent the effusion of blood, and the horrid devastation consequent on a civil war. And I am not certain, that all the mischiefs that have since happened may not, in a great measure, be attributed to mistaken motives of humanity. The noble duke says, the present Bill, by confiscating the property of the Americans, is a violation and invasion of the Bill of Rights, because it gives the property taken to the captors, without a legal previous conviction. Does not the preamble of this Bill affirm the Americans to be in open rebellion? Is not, then, the proof of the property following such a declaration of the legislature, and that founded on innumerable acts of hostility committed against the King and Parliament, a full and legal conviction. My lords, it will be said, perhaps, that America is not in rebellion? What, then, can we call rebellion, if this be not? They have attacked our troops, seized the King's forts and military magazines. They have, as far as it was in their power, cut themselves off from this country, by prohibiting every kind of trade and commercial intercourse with it. If this be not a state of open war, hostility, and defiance, I cannot tell what is. Have not those unnatural colonists, to rebellion, added all the circumstances of rapine and public robbery? Have not they been base enough, under the treacherous pretence of defending the Canadians, to commit the most notorious acts of oppression? and have not the people of Canada been compelled to take up arms against them, in order to resist the universal brigandage that must have been the consequence, if they any longer continued passive, or did not rise in defence of their property, daily wrested out of their hands by the most shameful acts of violence? I lately saw a letter from that country, in which this reason is directly assigned, that at length they found it necessary to arm and defend themselves; the words were the very terms I have now used, *contre brigandage*, against this public robbery and extortion. My lords, the noble duke tells you, that a storm is gathering in the North, which may find sufficient employment for our fleet in Europe. Are, then, all the terrors of a rupture with France, in

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case this war should continue for any time, at once abandoned by his grace, and his friends on the other side of the House; and do they now falsify their own predictions, delivered with so much confidence, in order to hold up fresh bugbears of their own creating? We have now no longer any fears of an invasion from France. Our coasts are no longer in danger from that formidable enemy, who, according to the noble duke's information, is to be employed elsewhere. Sweden and Russia are preparing to attack each other. Prussia and France are to take respective sides in this quarrel. What, then, does this amount to; but that France, jealous of the increasing power of Russia, and in compliance with her engagements entered into with Sweden, will take a part in those disputes? Does not this prove to a demonstration, that France, operated on by her jealousies, and obliged by her treaties with Sweden, can never think of preventing or interrupting us in the prosecution of reducing our rebellious subjects? Such an attempt would be madness in any event; but on the present occasion would be directly militating against her own views. But supposing, my lords, that the matter really stood as the noble lords in opposition have frequently stated it; I will suppose, what I am sure is not the case, that it was both the interest and intentions of France and Spain, to prevent us from reducing our rebellious colonists into a state of legal obedience and constitutional submission, and that if we persisted in our declared resolution of asserting our rights, that we must expect to be engaged in a war with the united force of the House of Bourbon. Would that be a motive with your lordships, for submitting to your rebellious subjects in the present contest? I think it would not. I am sure it ought not. If a dread of a war with those powers should be a sufficient reason for such a disgraceful, spiritless conduct, I am well convinced it would have a directly contrary effect. Those powers would soon conclude, that a nation which had not power or force sufficient to coerce its own members, would be no longer a formidable enemy. They would look upon you as an abject, tame, mercenary people, who from a mere love of lucre, would consent to sacrifice all the pride, dignity, and superior interest of yourselves and posterity, rather than suffer a temporary inconvenience, or forego for a while the advantages derived from a commercial intercourse with your colonies. They, in fine, would look on you as a nation of merchants, from whom nothing was to be feared, totally emptied of that spirit of warfare, on every proper occasion, that martial ardour, native prowess, and thirst of fame, which have hitherto rendered you justly formidable and terrible to your enemies. Therefore I contend, my lords, that it is doubly incumbent on you to exert yourselves, even as a means of keeping your natural enemies and ambitious neighbours in that state of awe and reverence towards you, which will be always one of the best bulwarks of the national safety, and your own domestic tranquillity.—My lords, though I wish sincerely, that America, should she persist obstinately to resist the constitutional and equitable claims of this country, may be compelled to acknowledge them; yet I do not desire that the people of that country should be abridged of their ancient privileges, such, I mean, as are consistent with the common interests of both countries; such as it is proper for us to grant or confirm, and for them to retain or enjoy. And whenever they return to a proper sense of their duty, I shall very readily give my support to any plan which may be the most likely to heal the unhappy wounds that have been already given, and for receiving them once more into the bosom of the mother-country.—The noble duke has bestowed the hardest names he could possibly invent on this Bill; and to shew the folly as well as injustice of it, asks what it is we are contending for. Says the noble duke, the claim of taxation has been given up. It has been relinquished on the idea of its impracticability and inexpediency. I deny it. I contend it never has; and we know, that the main support given to it in the other House, as well as to the general measures respecting America, was on the supposition that a revenue is expected to be obtained from America, towards alleviating part of the heavy burdens at present borne by this country. We know these are the wishes and sentiments of the country gentlemen in the other House; men of the most independent principles and most ample fortunes in the kingdom. I will not pretend to say, to what amount, or in what mode America ought to be compelled to contribute. Perhaps in their present condition, the assistance they would be able to give to the mother-country would be but small; but I insist, a foundation ought be laid in the first instance, which should keep a

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proportion with their abilities; and that it should be framed with a particular view to that object; so as to oblige them to share the burdens, in proportion as they shared and enjoyed the advantages of this government. I do not pretend to point out the properest mode of executing this plan; whether by taxes or customs, commercial duties, or by requisition; those are questions of policy, that do not interfere with the principle it is our business first to establish, the principle of compelling them to acknowledge the right; afterwards it will be time enough to look to the policy and the most expedient means of effectually carrying it into execution under the consideration of the general interests of the empire, as well as to the local circumstances applying to the particular situation of either, or both countries.

The Duke of *Richmond.* I entirely agree with the noble duke, who rose to oppose the committing of this Bill, in every particular opinion he delivered on it. I think it a most unjust, oppressive, and tyrannical measure. I perceive, my lords, that this Bill is a formal denunciation of war against the colonies; and on that ground, is not to be combated with arguments only applicable to a state of tranquillity; or even some sorts and degrees of civil disorder. Though I totally disapprove of such a war, and the principle on which it is entered into, I am ready to confess, that many things are justifiable in such a state of things, on which the most obdurate and inhuman minds would contemplate with horror in any other. I know, that it is looked upon not only justifiable and gallant, but an act of meritorious duty, for an officer or soldier to disguise himself in woman's clothes, and in that disguise to stab a centinel on his post. I know, too, that men of the highest and most exalted honour have not scrupled to come at secrets under the sacred seal of confidence, and turn the information to the destruction of their enemies, when it was believed that those acts of horror and treachery promised to be means of promoting the designs, and furthering the views and success of their friends, and the cause they were engaged in. But, my lords, where no view of this kind can be answered; where no one desirable purpose can be obtained, I shall always oppose an act of wanton cruelty; and I may add on this occasion, of impolicy; as I will venture to predict, it will only exasperate those against whom it is intended; and render them more desperate, determined and enraged against their merciless persecutors and oppressors. It is the clause I have now under my eye, for compelling such persons, as may be taken in the ships and vessels described in this Bill, to enter on board his Majesty's ships of war. Such a compulsion is, in my opinion, a most aggravated act of cruelty. You not only strip them of their property, but by violence force them, at the peril of capital punishment, to serve you, as being under the act of parliament for regulating our naval forces, and thus make them liable to suffer as deserters, contrary to the established usage observed in respect of men pressed into his Majesty's service. You even do worse, you compel them to fight against their fathers, brothers, and nearest relations; and that, too, contrary to the conviction of their own consciences; and should they refuse to execute the barbarous service, you then are authorised to shoot them for a breach of duty. This, my lords, if I had no other objection to the Bill, operates very forcibly on my mind, and I would recommend to the noble lords in administration, to amend or totally omit this clause, in the committee; and not, by a wanton unnecessary act of power, add to the horrors consequent on a war of so barbarous a nature. I beg leave to remind your lordships, that I do not mean by pointing to this clause, to give any sanction to any one part of the Bill. All I would wish is to intimate to its friends and supporters, that this bloody clause, this provision of wanton barbarity, even on their own principles, is totally unnecessary. The noble lord says, the present measures pursuing against America are popular; and that opposition have taken up for once the unpopular side of the question. I fairly assent in part to the noble lord's assertion; for I believe the people were never more divided in their sentiments, than at present; but while I allow this, I do not assent to the assertion in the latitude the noble lord has stated it. In the words of a noble lord in a former debate (lord Camden) we have scarcely seen an address, that has not spawned a petition. We have been told by several noble lords in administration, that America too is divided; and I believe it may. At least we have many reasons to believe, that they are far from being unanimous. What will in all probability be the consequence of this Bill, but at once to put an end to all divisions, and to render them

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unanimous? Yet suppose the contrary; will not this Bill involve those who think this country in the right, those who have retained their loyalty, and remained firm in their obedience, in one common punishment with the most determined, open and violent opposers of the British parliament? The former will be liable to have their ships seized, their goods and merchandizes confiscated, their persons pressed, as well as the latter. Besides, I believe this clause is contrary to the usual mode adopted in regard to persons pressed to serve aboard his Majesty's ships of war, who are never subjected to capital punishments for desertion. The noble lord has given as a proof of the general opinion of the people, respecting this war, and particularly those concerned in the West India trade, that if the ruin of the West India islands was to be a consequence of it, the people of a borough in his neighbourhood, (the town of Bewdley) would never have taken the part they have done; a town which, his lordship says, carries on a twelfth part of the export trade to those islands. I admire the noble lord's accuracy of computation. It is the first time, that I have heard a matter of such importance so minutely and correctly stated; and it is the first time I ever heard that Bewdley was a place of such consequence, or that it carried on so great and extensive an export trade. But, my lords, allowing that the borough of Bewdley advised with the noble lord, and offered to address his Majesty unsolicited, as his lordship says; supposing likewise that they were unanimous in their sentiments; I still beg leave to think that the West India planters, and the great body of merchants concerned in the West India trade in the cities of London and Bristol are full as respectable an authority as the addresses from the town of Bewdley; and to shew that the present Bill will very materially affect the sugar islands, they appeared last year at your lordships' bar, and this year at the bar of the other House; but I believe they will hardly trouble your lordships on the present occasion, for experience has taught them to despair of obtaining any redress. It is too often a misfortune in this country for persons to entertain very different ideas, when in and out of employment. I heard the noble lord with great pleasure on the first of the session express sentiments of a very different nature; and still retaining my former opinions, I cannot say but I approved much better of the speech then delivered than of the sentiments now so warmly and so ably urged by his lordship. On the whole, my lords, I pronounce this Bill to be fraught with all possible injustice and cruelty. I do not think the people of America in rebellion, but resisting acts of the most unexampled cruelty and oppression. [Here a cry of Order, order!] I do not retract a syllable of what I have said. I think I am justified in the expression, by the uniform custom of parliament, which secures to its members the freedom of debate, or why else are they at all permitted to deliver their opinions? If the injustice of the Bill be manifest, because it proceeds on an idea which is false in fact, that the colonies are in open rebellion, the provisions of it are no less cruel. They subject the property of the innocent and unoffending to confiscation, without a trial; they give an undue preference to the navy over the army; or else establish a precedent of a most dangerous and alarming tendency, that of giving the possessions of one part of the subjects of the same empire to those employed to reduce them; but, more than all, they authorize an act of the most wanton and horrid cruelty, that of obliging such as are taken in the act of trading, for their maintenance and support, to enter and serve on board his Majesty's ships of war.

Lord *Lyttelton*. I do not at all think it decent or parliamentary to allude to any thing said in a former debate; I am sure such a conduct has been always discountenanced in this House. I am happy, however, in seeing so full a bar, that I may have an opportunity of exculpating myself from charges and insinuations equally ill-founded and unjust. I cannot say that I literally remember the words that fell from me on the occasion alluded to; but I think my memory will sufficiently serve me to recollect the material scope and tendency of what I then urged. In relation to the foreign troops, I thought then, and I have not since changed my opinion, that the previous consent of parliament was necessary to legalize that measure; that nothing could justify it but the necessity; and that an Act of Indemnity was requisite, in order to quiet the just apprehensions which such a measure ought to occasion in the breast of every person who wished well to the constitution of this country, as established at the Revolution, if the necessity was not stated, as the only true ground of justification.

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What happened afterwards? A Bill of Indemnity was brought into, and passed the other House; it came to a third reading in this House; and such was the extraordinary conduct of the noble lords in opposition, that they opposed it; and several lords in administration uniting with them, on a different ground, the Bill was lost and rejected unanimously. Whether the noble duke's friends and partizans, or I, acted most consistently on that occasion, I submit to your lordships.—As to the general measures to be pursued against America; I will remind your lordships, that I voted and spoke uniformly in the sentiments I have this day maintained, till the first day of the session; and on that day, too, I only differed from administration, because I thought measures of such wide and important extent, recommended from the throne, called for information the ministers seemed unwilling to give, or absolutely refused. Ignorant as I then was, I very properly refused to support measures, the object of which, and the means of executing, I was totally a stranger to. On that ground alone I refused to co-operate with administration. Here the matter rested till his Majesty's servants thought proper to give me that kind of information I thought necessary to direct me in my future conduct. They were pleased to repose a confidence in me, which I hope and trust I shall never abuse; and which perfectly satisfied me, that their views were ultimately founded in wisdom, and directed to such objects as promised to ensure the most happy and desirable termination to the present unhappy disputes. Thus convinced of the rectitude and wisdom of administration, I accepted of the place I now enjoy; but upon no other terms but those I have mentioned. I have always acted, and shall continue to act on the most conscientious motives, and upon reasons of the most perfect conviction. I do assure your lordships, that I have never swerved from my integrity in a single instance. As to the place I have been appointed to, I received it as a mark of his Majesty's most gracious inclination towards me. I have always looked upon it, in point of emolument, to be a matter of very trivial consideration. My fortune is too considerable to regard it in any other light. I did not seek it. I did not act the servile part of a placeman or a pensioner, by meanly stooping to apply and beg for it; and expect and think I have a right not to be included among such as do; for, if it was an object of moment, which it is not, I never shall sacrifice my opinion to any personal or private consideration. I own I am greatly astonished to hear the noble duke, who spoke last, affirm, that America is not at present in a state of rebellion, though his grace knows that the colonists have been declared rebels by the most solemn declarations parliament is capable of expressing; by acts of the whole legislature, stamped with the authority of King, Lords, and Commons. This, my lords, I think, is a precedent that should not be endured in this House, and till the authority of it is again restored, I shall never think that we can expect to have a proper obedience paid to the dignity of parliament. I think that laws, the justice of which are arraigned and condemned by some of the very persons who are supposed to have a hand in framing and assenting to them, will always lose a considerable part, if not all, their efficacy, while such liberties are permitted to be wantonly taken with them. I know, if I were an American, and retained any doubt of the part I ought to take on the present occasion, and were to learn that a noble lord in this House contended that the measures proposed by this Bill were founded in injustice and cruelty, and that opposition to such measures was justifiable, I must confess it would go a great way in removing my doubts, and determining my future conduct. I perfectly coincide in the opinion of Cicero, who was an actor in the scenes immediately preceding the destruction, concerning the liberties of Rome, that such an improper licentious use of liberty is totally destructive of its essence. His expression was extremely applicable on the present occasion, *immoderata licentia conscionis.* As well, therefore, on that account, as the general impropriety of such a conduct, I must tell the noble duke, that if he should repeat the same sentiments, that I mean to take the sense of the House, whether it be consistent with the decorum and dignity of their proceedings, to permit such an improper liberty of speech to pass without animadversion and censure.

The Duke of *Richmond.* I imagine, if the noble lord had properly conceived my meaning, he could never have possibly drawn such inferences from my expressions. What I said then, and what I still maintain, is, that, as a member of this House, I have a full right, as long as the freedom of

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debate is held sacred, to deliver my opinion without reserve. The point immediately under the consideration of the House, is the present Bill: the Bill asserts, that the Americans are in rebellion; I say they are not, and state that as my reason for opposing it. Is this indecent? Is this unparliamentary, or contrary to the established usages of this House? The noble lord says, that I am bound to confine myself to the immediate subject of debate; and that I am disorderly, and deserve the censure of your lordships, should I violate the usual mode of debating questions in this House. In this I perfectly agree; but I should be much obliged to the noble lord to direct me how to proceed, so as to debate, and yet entirely keep clear of the subject. For instance, I should particularly thank him if he would instruct me how to express my dislike to the Bill, without pointing out the grounds and motives of that dislike. I think the Bill in its principle, and all its parts, unjust, impolitic, and inexpedient. How, then, can I support my assertion, but by arguing against its impolicy, injustice, and inexpediency. But, says the noble lord, though you oppose the Bill, and disapprove of it, you should not arraign acts of parliament: you should not question nor condemn the acts of King, Lords, and Commons, for so long as they continue to be the law of the land, it is indecent and unparliamentary to find fault with them. Does his lordship mean to push this doctrine as far as it will go; or does he wish to employ it only to a particular purpose, to answer that of the present debate? In either event I fancy his lordship will find himself much mistaken. For instance, I say the present Bill is cruel, oppressive, and tyrannic. I contend, that the resistance made by the colonists is in consequence of other acts, equally oppressive, cruel, and tyrannic; and thus I prove that this resistance is not rebellion, but that the Americans are resisting acts of violence and injustice; consequently, that such a resistance is neither treason nor rebellion; but is perfectly justifiable in every possible political and moral sense. The noble lord seems desirous of calling the censure of the House on me. If I have been disorderly I am ready to abide by the sense of it. I think I have not; and relying on that opinion, I neither withdraw nor retract my former expressions; and am very ready to indulge his lordship, by taking the sense of the House, whether I deserve its censure.

The Earl of *Denbigh*. As an old member, I think with the noble lord who spoke early in this debate, that the expression of the noble duke is extremely reprehensible and disorderly. The noble duke may, it is true, deliver his opinion freely on the question immediately before the House, be it what it may; but I contend, that he is bound to confine himself solely to that, and not to go out of it. Nor is any lord, in debate, warranted in charging an act of the King, Lords, and Commons, with tyranny and injustice. If this licentious use of the freedom of debate were indulged, it is impossible to say where it might stop. Any noble lord might rise in his place and affirm, that his Majesty was an usurper, and that George the 3rd had no right to the crown of this realm. I contend, therefore, that by the laws and constitution of this realm, any expression may be as well justified, under the claim of exercising the privilege of speech; as that America is not in rebellion; or that resistance to the acts of the British parliament, is no more than resistance to the most wanton acts of tyranny and oppression; and I do openly contend, that those who defend rebellion, are themselves little better than rebels; and that there is very little difference between the traitor, and he who openly or privately abets treason.

The Duke of *Richmond*. The noise your lordships have heard, has reached below the bar, and must convince you that the noble earl who spoke last has been heard there. But I will tell his lordship, that I am not to be intimidated or deterred from my duty by loud words. Such exertions of mere sound, will not prevent me from punctually performing my duty. The noble earl says, I have explained away my meaning. I believe his lordship would not have maintained such an assertion, if he knew properly the difference between explaining, and explaining away. The noble earl, as a collateral proof of his knowledge of the forms and orders of this House, says, he is an old member. I believe I am almost as old a member as his lordship; at least, I have sat near twenty years here; and I cannot be persuaded that I have offended against any established rule or form of this House. As to the point of explaining away my meaning, I must remind his lordship, that I do not mean to retract any thing I have said; and if he has properly attended to my explanation, he will be convinced, that what I asserted at both times, substantially cor-

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respond with each other; if he should think otherwise, I now take the opportunity of informing the noble earl, that I strictly adhere to the first expressions I used; and am ready to abide the sense of your lordships, who are to determine whether or not I have transgressed. As to the expression of traitor, the noble earl has so freely applied, I believe there are no traitors in this House now a days.

The Earl of *Sandwich*. I am an older member of this House than either the noble duke or noble earl. I have sat here these seven and thirty years, and am happy in testifying, since my first knowledge of parliament, that I never saw the debates in this House conducted with greater propriety and decorum during my acquaintance with it, than in the course of this business respecting America. I am, my lords, extremely unhappy, when I am a witness to such altercations as these: they always impede public business, answer no one substantial or beneficial purpose whatever, and are only productive of ill-humour. As to the point of order, if I may be permitted to state my pretensions, as one of the old, if not the oldest member of this House, I have always seen it observed, as a constant rule of debate, never to condemn any act of parliament, unless on a motion for its repeal. In every other respect, I am of opinion that the noble duke was perfectly justifiable, so long as he confined himself to the subject matter of the Bill; but I at the same time contend, that he had no right to go out of the question, to deliver his sentiments upon points not under the consideration of the House. As some objections have been stated against this Bill, which immediately apply to the business of the department over which I have the honour to preside, I look upon myself particularly called upon to give every satisfaction in my power. Two objections have been stated against the Bill, by the two noble dukes who have opposed its commitment. The first noble duke complains of the injustice of this Bill, because it gives the spoils taken from the enemy to the captors. Is this unusual? I am sure it is not. It has been so during the two last wars carried on by this country. I do not know of a more meritorious set of men than our seamen, nor more deserving of every degree of public encouragement; besides the general motives of executing their duty with attention and punctuality, the prospect of sharing the captures among the officers and seamen will be a very great means of speedily manning our navy without expence. It has likewise been much relied on, by the noble lords in opposition, that this Bill confounds the innocent with the guilty; but I believe your lordships will perceive that very few can be classed in the former description, as the terrors of the continental and provincial congresses have compelled almost every man in that country to take a decided part. I shall mention two instances, to satisfy your lordships of the cruel and cowardly disposition of the Americans, by stating to your lordships, that they have even tarred and feathered three women, and have put an innocent free negro to death, attended with every circumstance of cruelty and baseness. The free negro's name was Jerry, and he was worth several hundred pounds. This man, in an unguarded minute, said, that if any of the King's ships came to that quarter, or the port where he resided, that he would pilot them safely up. This being reported to the committee, a mock tribunal was appointed to try him, and he was acquitted for want of evidence. Not satisfied with this first attempt on the man's life, another negro, not a free one, was suborned to repeat the charge, on which the unhappy man was condemned and executed, though the evidence of the slave should not have, according to the colony laws, been received against a freeman. There was another particular circumstance happened relative to this horrid affair, which was, that although the negro recanted every syllable he had sworn against Jerry, and owned that all he said on the trial was a lye, yet Jerry was nevertheless put to death. The noble duke who spoke last seems to lament greatly the cruelty of obliging such seamen as are taken aboard the American vessels to enter his Majesty's ships of war. For my part, I think very differently from the noble duke. Instead of an instance of cruelty or oppression, I think it is doing them rather a favour, as you put them into instant pay; besides, though this Bill were never passed, if we should want seamen to man our navy, and it should become necessary to issue press-warrants, the persons compelled by the clause to enter, would be liable to be pressed. So that in that view of the matter this Bill creates no new hardship. Suppose, my lords, that we should be inclined to alter or modify this clause, as the noble duke seems desirous, you would not, it may be presumed,

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after you had those men in your power, put them in a situation again to resist you. What, then, are you to do? In the case of prisoners taken in a foreign war, we know they are brought home and confined in prison, and detained here till a peace ensues, or they are exchanged upon cartel during the continuance of the war; but in the present case, the matter being new, and no provision being made, and in fact in the event of a want of men, the persons found aboard British ships being liable to be pressed, I am of opinion the clause on these several grounds entirely unobjectionable. The first noble duke who spoke in this debate says, that a storm is gathering in the North; that his Majesty's ministers should not trust to the assurances of foreign courts; and that we ought not in prosecuting this war against our rebellious subjects, to render ourselves by a misplaced confidence in those assurances, defenceless at home, and liable to be surprized or attacked by our natural enemies. I do not pretend to say exactly what may be the effect of the present disputes in the North; but I will tell the noble duke that we do not trust to the assurances of foreign powers; and that if such a measure should happen to be necessary, we shall be able at a very short warning, to fit out a fleet and send it into the Baltic: and further, that by the present plan of operations, we shall not have a single line of battle ship in America, as three fifty gun ships will be sent to replace the three line of battle ships now serving on that station: and that consequently we shall have such a formidable force at home, ready to act upon any emergency, as will not only be fully sufficient to protect ourselves against any attack our enemies might meditate; but likewise to adopt such other measures of vigour as the particular state of affairs in Europe might render expedient.

The Earl of *Shelburne*. In whatever view this Bill, both in principle and the mode of enforcing that principle, presents itself, it appears to me to be fraught with every accumulated species of impolicy, and injustice. I shall, in the few observations I propose to make on it, deliver my mind freely; on this, however, as on all former occasions, looking upon myself at liberty to alter my opinion, and to regulate my judgment merely on the merits of the matter under debate, combined with its own particular circumstances, not by any collateral motives, which do not properly relate to the question before me. The first matter that forces its way to your lordships' consideration, on perusing this Bill, is the principle, which to me appears no less cruel than impolitic. It is, as it has been well observed to the last degree cruel and unjust, because it involves the innocent in one common punishment with the guilty. It is impolitic, because it will throw the people into a state of desperation, and of necessity force them to take up arms in their own defence; so that it will have the double effect of transforming your friends, such as have hitherto continued so, into the most inveterate enemies, and inspiring both friends and foes with the most enthusiastic and desperate resolutions, of resisting a coercion that leaves them no other alternative but submission to the most abject state of slavery, or of ending in their complete destruction, unless they should prevail in the contest. But, my lords, I have a stronger objection to the principle of the Bill than even that I have now stated. It proceeds on the idea that America is in rebellion to the just authority of this country. I deny it. I contend they have been in part, if not entirely, forced to take up arms in defence of their property, which has been attempted, by the acts of this legislature, to be wrested unjustly out of their hands. They have been taxed by the British parliament, for the purpose of raising a revenue. They have been thereby deprived of the inalienable privilege of a British subject, that of voting away his money, of judging of the quantum, and of the propriety of entirely withholding it, should he not approve of the purposes to which it may be intended to be applied. Besides this general unquestionable ground, taxation has been attempted to be carried into effect, contrary to the ancient usage of requisition. I therefore contend, that the principle of the Bill is ill-founded, and unjust in the first concoction; and therefore that the idea is false, on which it proceeds; for the colonists are not in a state of rebellion, but are armed in support of their just, their inalienable and constitutional rights, thus openly invaded and attacked. The noble earl in office has assigned every reason for inserting the clause in this Bill, which has been objected to by the noble duke, but what appears to me to be at the first blush the most obvious. His lordship says, that in a foreign war we secure all prisoners which fall into our hands in prison; but that we shall not know how

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to dispose of those which may be taken on the present case, as no provision has been made in the Bill for that purpose. But if the noble earl will permit me, I will tell him what appears the true motive for inserting that clause, a mere wanton act of feminine revenge, a mere love of cruelty and oppression. But let us pass over that consideration, and turn to the means proposed in the Bill itself, for ensuring its operation. This I take to be framed, too, on other grounds than those of merely rewarding merit. On a former occasion the noble earl, though he did not positively assure us, gave us the strongest hopes that we should be able to man our navy without pressing; but finding it impracticable, the noble earl and his brethren in office, have had recourse to this method of dividing the prizes taken among the captors, in order to avoid the unpopular mode of pressing, or of disclosing to the public, that our seamen are as averse to this service as our landsmen have already proved themselves. I believe the noble earl distinguished himself in a warm opposition, during the Spanish war in 1741, and assisted in carrying the measure against the minister, for dividing the captures taken from the enemy, among the captors. Lord Bath was at the head of that opposition; and I believe the noble earl does not forget that the great argument then used, in both Houses, was, that such an encouragement became absolutely necessary; for as the merchants' wages were so much higher than the pay allowed by government, such a stimulative to enter aboard the king's ships, would be the most probable means of speedily manning our navy, upon any sudden emergency. This, my lords, cannot be said to be the case at present; no such reason can now be assigned; for I believe the merchants' wages are rather lower than usual; at least I am well informed they have not been raised for some time past. I do not know, that dividing the prizes in the manner usually adopted among the captors, is perfectly right at any time; but as it is the only reason that has been ever assigned, and that it does not at present exist, I must confess, that that, with the circumstances attending it, is another reason why I am against this Bill. I should think myself justified in passing over the matter I am now about mentioning to your lordships, as not directly applying to the subject matter of this debate, if I did not think it of the most material consequence; I mean the two resolutions agreed to in the other House, relative to the colony of Nova Scotia. As we cannot procure any information in this House, I am under the necessity of seeking it wherever I can find it. In the votes of the House of Commons, I find that they have resolved, that no other duties or customs shall be paid for any goods or merchandize imported into the colony of Nova Scotia, but what is expressed in the second resolution, and that in the second resolution, that is resolved not to exceed 8 per cent. ad valorem, on all foreign commodities. Now, my lords, on those resolutions, two matters very sensibly strike me: first, the smallness of the revenue, for which it seems we are contending; and secondly, the direct invasion of the Act of Navigation, expressed in the second resolution, which states the duty of 8 per cent. to be upon foreign commodities imported from the place of their growth. This last in my opinion, is directly cutting up that great palladium of our commerce, that great source of all the advantages we now happily enjoy, as the first commercial and trading nation in Europe; for the spirit and letter on which the whole of that law is founded, are, that no article or commodity shall be directly imported into the colonies from the place of their growth. Taking this in either light, as a mark of indulgence and favour intended to this paltry colony, which has cost this country more than the fee simple of it is worth; or taking it as a foundation for a treaty with the other colonies, I think such an invasion of the Navigation Act totally improper. But when we come to compute what the probable amount of such a revenue would come to, we must pause with astonishment to behold this country involving itself in such scenes of blood, expence, and ruin, in the pursuit of such an object. The imports into the colonies are computed to be between three and four millions annually. Now, taking it on the largest scale, we may presume, that the amount of the foreign commodities to be permitted to be imported, would be about an eighth of the whole imports, which, by computation, is found to be the case in the colony just mentioned. Take, then, the 8 per cent. and you have the sum total of the revenue, which will be at or about 45,000*l.* per annum, a sum which will no more than pay the expence of collecting it; and indeed, if not managed with greater œconomy than the last, will not be sufficient. If, then, our present

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warlike preparations, in which, to borrow a current ministerial phrase, every nerve and sinew of war and national ability is to be exerted, be to obtain just nothing; I can only say, that it brings to my remembrance the conduct of a country gentleman, who made it a condition with his tenants to supply him with a certain number of carts and horses, and prided himself greatly in that mark of his authority, though he enjoyed it at the expence of a considerable decrease in his rents, as he let his lands considerably lower than the real value, on that account. On the other hand, if the resolutions are meant to stop there, and are intended as a mark of particular favour, I think, at all events, it is very improperly exerted towards such a paltry province, Halifax being called the gin shop of America, which, according to a late publication, does not import above 30,000*l.* per annum, and has already cost this nation between 3 and 400,000*l.* while Pennsylvania, whose imports are 300,000*l.* per annum, never cost this country a single shilling. But above all, I am warmly against any measure which may directly or indirectly be the means of defeating that truly beneficial law, the Act of Navigation.

The Earl of *Sandwich*. The noble lord must be mistaken respecting the lowness of seamen's wages, for on applying lately to the master of a transport vessel, he advised a press, as he said it would be impossible to procure hands to man his ship, unless at a very advanced price, as he was obliged to promise them 35*s.* a month, and yet they still demanded an advance; and before they got out of the river, would probably refuse to proceed on their voyage, if their wages were not raised to 50*s.* per month.

The Earl of *Shelburne*. I have no manner of reason to doubt that the noble earl has stated what the master told him very faithfully; but I should have hoped that his lordship knew the world, at least the duties of his office, better than to rely solely on the information of a person whose interest immediately depended on misleading him. I am not surprized, therefore, though I do not believe the fact, as coming from the master, that he said the seamen would insist on 50*s.* per month before they left the river; but I am much surprized that he did not state it much higher, and that the noble earl should rest satisfied with the report of a man who was to profit from the imposition.

Viscount *Weymouth*. I do not think that the noble lord who stated the Resolutions agreed to in the other House, was justified in making them any part of the subject of this day's debate. We are not bound to adopt the Resolutions he mentions; and if they should be found to be subversive of the Act of Navigation, we shall at a proper time have an opportunity of considering them in the only parliamentary manner in which they can be mentioned in this House.

The House divided: Contents 48, Proxies 30—78. Not-contents 12, Proxies 7—19.

Protest against Committing the American Prohibitory Bill.] The following Protest was entered:

"Dissentient'

"1. Because this Bill, by considering the colonies in America as a foreign nation, and declaring war on them in that character, has a direct tendency to effect an entire and (we fear) permanent separation between the two capital parts of this empire. It is new to behold a nation making a separation of its parts by a law, in hopes of re-uniting them by a treaty. The sovereign power has hitherto always regarded rebellion as the criminal act of individuals, and not the hostility of any great collective body of the community. The framers of this Bill admit the principle in its full force; although by all the provisions they every where contradict it; for whilst the clauses of the Bill consign all to punishment, the preamble only declares that many are guilty; the legislature choosing to be considered rather as unjust to particulars, than confess itself to be universally odious. The English on both sides of the ocean are now taught, by act of parliament, to look on themselves as separate nations, nations susceptible of general hostility, and proper parties for mutual declarations of war, and treaties of peace. We are by this Act preparing their minds for that independance which we charge them with affecting; whilst we drive them to the necessity of it by repeated injuries.

2. "Because this Bill enables and encourages the navy of England to make an indiscriminate prey of the property of English subjects trading to or from the colonies, (even of the ships which lie quiet in the American ports), without regarding whether that property belongs to friends or enemies; to the dutiful or to

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the disobedient. This plan of promiscuous rapine (unworthy of the wisdom and decorum of government) must complete what yet remains to be completed, of the union in North America against the authority of parliament. Parliament, in this Bill, seems much more inclined to distress, than able or willing to protect. In North America the refractory and submissive may be blended together. In the West Indies all are innocent. But all are doomed to a much more severe and much more certain punishment than falls upon the most guilty in North America. The whole accommodation, if not the immediate subsistence, of the West India islands, depends on a commercial connection with the continent, from which, by this Bill, they are expressly restrained. One of the chief and much the most plausible of the complaints made last year against the North American colonies, was a resolution on their part to withhold supply from the sugar plantations. But this year we have made ourselves to adopt and sanctify that very conduct which we had painted to the world in such odious colours. It must appear as if this Bill was purposely made against the West Indies; and lest the people of the united colonies might return to sentiments of fraternal affection, or from motives of self-interest, or from impatience of so hard a restraint, should disobey or elude the orders of the Congress, and afford relief to our innocent planters in the West Indies, it seems as if an act of the British parliament came in aid of that authority, and provided that no supply whatsoever shall be carried to the West Indies contrary to the resolution of the Congress.

"3. Because this Bill greatly exceeds in violence the pattern of injustice which it seems to follow. In some respects the prohibition of the Congress materially differed from the prohibition of this Bill: theirs was not immediate. Time was given to the West Indies for supply, both from America and other places. No confiscations were made. We, on the other hand, have permitted the trade from America, as long as it was necessary to save ourselves from famine; and to enable the colonists to pay their debts. This supply they have made plentifully, and many of these debts they have discharged most honourably. In return for this, to us useful and honourable behaviour, ministry abusing the bounty of Providence on the first restoration of domestic plenty, has fabricated a Bill for seizing American vessels now trading under the faith of an act of parliament; no ship of theirs being suffered to return to its own country, either from hence, or from the West Indies.

"4. Because the Bill, not satisfied with making predatory war upon the trade of the colonies, thinks it necessary to stimulate particular avarice and rapacity to an activity in such service, by rendering captures of North American vessels and goods the property of the captors. This regulation is now, for the first time by any regular authority in this kingdom, to be adopted in a civil contention. We consider this method of holding out the spoil of their fellow-citizens for the reward of alacrity in civil wars, as a source of the most dangerous corruption that can be conceived; in the first instance to our navy, and in its consequence to our army. A number of bold enterprizing men, trained to the profession of arms, with fortunes to make, and promotion to be obtained, are naturally lovers of war. When they have once tasted of emoluments from domestic spoil, they will no longer look on the commerce of England as an object of protection, but of plunder. They will see the prosperous state of peaceful domestic industry, not with pleasure, but with envy. They will be taught to wish for those lucrative civil commotions, which they will always have the means of provoking. Our soldiers in the land service will see no reason for their being distinguished from the marine; and they will call for the plunder of English trading towns, when they see that the seamen have been indulged in the plunder of English trading ships. It never can be safe for a state to hold out an interest in disturbing it, to those who have the sword in their hand. The greatest republic of which history gives us any knowledge, was subverted by this licence of domestic plunder. We are perfectly assured, that the navy of England wants no such unnatural and impious encouragement towards the performance of any duty which their known public spirit, and yet uncorrupted honour, may make it fit for them to perform. And it is no less on theirs, than on the public account, a matter of the most serious affliction to us, that a service always looked upon (and hitherto most justly), not only without fear or jealousy, but with the most partial affection in every part of this empire, should be unnecessarily exposed to the lasting odium, which must attend those who are enriched from the

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spoils of citizens, amongst whom they may be obliged to spend their lives, and form their connexions. Civil wars (when they must be made) should be made in such a manner as not to render the return to peace and cordiality impracticable. If the spoil ordered by this Act had been left in the crown, the crown might use it as an encouragement for a return to obedience, and as a means of future peace. It is now only a provocation through despair and resentment, to perpetual hostility. We cannot possibly discern how any necessary operation of war is strengthened by this disgrace of legislature. But if the arms now used should succeed so as to enforce a temporary and reluctant obedience, we see but too well, that this Bill will leave such a sting in the minds of the colonists, as to render our government there hated and suspected, and therefore for ever precarious.

"5. Because this Bill, by anticipating all legal judgment of the offences of those whose goods are forfeited, overturns one of the most excellent and profoundly considered parts of that fundamental law, the Declaration of Rights, which declares, 'that all grants of fines and forfeitures of 'particular persons, before conviction, are 'illegal and void.' This provision is expressly made, lest rapacious ministers, scenting confiscation, or rapacious soldiers, allured by the lust of plunder, should be induced to forge or provoke plots and rebellions, in order to enrich themselves out of the public disorders.

"6. Because very extensive commercial property of British subjects (implicated by the nature of commercial intercourse with that of innocent Englishmen residing here) is to be taken out of the equitable jurisdiction of the common law of England, and from that inestimable birthright of the subjects of this kingdom, a trial by jury, and carried to the court of Admiralty, to be tried by a single judge, on the rules of an arbitrary foreign law.

"7. Because the whole scheme of this predatory war for private lucre, is put under the arbitrary direction of certain commissioners to us unknown, even by name; who have power to give such continuance to the ravages authorized by this Bill, as their arbitrary will shall suggest; to pardon, or except from pardon, any number or description of persons, and with such exceptions as they shall see fit, without any other rule than their own private opinion, fancy, caprice, favour, or resentment; and without any other rule to open or keep shut any colony, province, county, town, district, or place. We are of opinion, that the power left to the said commissioners is perfectly unjustifiable and unconstitutional. It has, besides, a tendency to create the most shameful and mischievous monopolies. The power given to the Admiralty and to the West India governors, to license ships, is of the same nature. If such monopolies and jobs should not arise from such powers, it is no fault of this Bill, which, as if it had these purposes in view, has taken special care to provide as strong a temptation as human nature, set above law and restraint, and furnished with every facility to corruption, can possibly be exposed to.

"8. Because we know nothing of the business of these commissioners, further than the above arbitrary discretion with regard to pardons. Rumour gives out, that they are to have a power to treat with the Americans for a redress of their grievances. Of this, however, neither the speech from the throne nor the Bill have given the least intimation. Although, if the commissioners treat on this subject at all, acts and powers of parliament being the matter of complaint, the commissioners ought to derive some previous authority from parliament in order to give weight and efficacy to their negociations, and to preserve some appearance of dignity in ourselves. It is hardly proper, that parliament should appear in no other light than as the instrument of penal restrictions, attainder, penalties, and confiscations; as the maker of menacing addresses, and the rejecter of dutiful petitions. It is hardly decent to shew ourselves fierce and inflexible here, but to be satisfied with permitting unknown persons whom ministers shall chuse in future to appoint, to dispose, in America, of powers and Acts of parliament at their pleasure; leaving us, first, the odium of rejecting reasonable requests, and afterwards the disgrace of ratifying shameful concessions.

"9. Because we reject, with indignation, that clause of this Bill which, by a refinement in tyranny, and in a sentence worse than death, obliges the unhappy men who shall be made captives in this predatory war, to bear arms against their families, kindred, friends, and country; and after being plundered themselves, to become accomplices in plundering their brethren. If there exists a doubt whether to justify the infliction of capital punish-

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ment on desertion, it should be necessary to prove that a seaman was a pressed man or a volunteer. The object of this clause is to deprive the American seaman of the plea of his being a pressed man, as it declares, 'that he is to be considered, to all 'intents and purposes, as having entered 'voluntarily into the service.' By this clause, not only common seamen but masters of vessels are, without regard to age or circumstances, or condition, to be ignominiously turned before the mast, and subjected to the austere discipline of the boatswain. Persons, in that subordinate station, not being animated with the liberal and ingenuous spirit which distinguishes officers in the navy, and taught to consider these forced volunteers as rebels, will be but too apt to aggravate the miseries of captivity by insult and outrage. These prisoners, among the comrades they are obliged to live and serve with, may, very probably, be often forced to behold the spoils of their honest industry, and the natural support of their sober families, squandered in riot and profligate debauchery before their faces. This we look upon as the last degree of wretchedness and indignity to which human nature can be subjected. This cruelty, unknown to the most savage nations, is to be practised by Englishmen on Englishmen. It has been said in parliament, that the pay the prisoners are to receive is to be considered as a full compensation for the principles they are obliged to violate. We do not envy any one that sentiment. An attempt is also made to justify it by the supposed right of pressing; we cannot conceive that the burthens of subjection ought ever to be imposed where the protection belonging to it is denied; or that a man can ever be despoiled of his goods as a foreign enemy, and at the same time obliged to serve the state as a citizen. This compulsion we have never heard to be practised on any prisoners in war or in rebellion; nor do we know any example of it, except among pirates; the outlaws and enemies of human society.

"10. Because a Bill so unprecedented in its nature, and so important in its consequences, is brought in at a time of year, when, by experience, it is known, that most of the independent members of both Houses are called away by their domestic affairs, and when few but those in the immediate pay of the court, and attending on their employments, are in town. This we conceive to be done in order to impress the public with a delusive idea, that those measures are agreeable to greater numbers in both Houses, than in reality they are.

"The only part of this Bill which we approve, is the repeal of the unjust and improvident Acts which have produced all the evil effects we had foreseen, and none of the good which was pretended as the ground for making them; Acts, as unfit for, as incapable of, execution. But, to our inexpressible grief, and to the disgrace of the public counsels of this kingdom, ministers, untaught by misfortunes, and unchecked by disappointments, at the very instant they are obliged to demolish the old fabric of their oppression, as useless and mischievous, are building up another on nearly the same model, and with the same materials, adding only something more of that injustice and violence which have always proved mischievous in proportion as they have been augmented.——(*Signed*)——Abergavenny, Rockingham, Manchester, Abingdon, Richmond, Ponsonby, Fitzwilliam, Chedworth."

December 18. The order of the day to go into a committee on the American Prohibitory Bill, being read,

The Duke of *Manchester* said, that whatever view administration could have in deceiving the public, might be matter of speculation, and was what he would not pretend precisely to determine; but by the account in Saturday's Gazette, published by authority, it appeared they were determined to bring the London Gazette on a level with the Brussels Gazette, published during the late war. By the account alluded to, he remarked, that our affairs in Canada were represented to be in a very flourishing condition; whereas the contrary was well known to be true, for there were authentic accounts of a later date from that country, which said, that St. John's was in the hands of the provincials, and that probably the next accounts would bring advices of the total destruction of general Carleton's army, and that we were not in possession of a foot of land in Canada. His grace, as well on account of this news, as the general importance of the Bill, moved that the commitment might be put off till after the Christmas recess.

The Marquis of *Rockingham* seconded the motion. He said, that the merchants were alarmed, and that in such a case he thought it would be very proper to defer the further consideration of the Bill till after

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Christmas, as in such a state of uncertainty, but more particularly on account of the alarm the Bill had created among the commercial part of the nation, the consequences were much to be dreaded.

The Earl of *Suffolk* said that the King's ministers were fully justified in causing the account relative to Canada to be inserted in the Gazette; that it was the last authentic account received from that province. That the ministry had received the account alluded to by the noble duke, but they had no right to pay any attention to it, as it did not come through a channel on which they could depend; that it might be very true; but whether it was or not, it could not affect the present Bill; because if Canada was in the hands of the provincials, it would become Great Britain to act with greater firmness and vigour.

Viscount *Townshend* said, that the present reason for deferring the commitment of the Bill, had no possible weight with him. If an account of our prevailing in this skirmish, or being defeated in that, was to sway and influence the British councils, it was a state he never expected to see them reduced to; that if the principle which parliament meant to pursue was a good one, nothing ought to divert them from it; for he hoped they had the power to enforce what they certainly had a right to claim.

The Earl of *Shelburne* observed, that no man had a higher opinion of the military abilities of general Carleton than he had; but he could not say but that gentleman, if the accounts from Canada were to be depended on, had acted in a very reprehensible manner in his civil capacity.

Viscount *Townshend* passed the highest encomiums on general Carleton. He said there was not a braver nor more capable officer in the service. That what he had said relative to his not having a sufficient force to oppose the rebels, was not so much in point of numbers as discipline.

The Earl of *Shelburne* repeated his entire approbation of general Carleton as an officer, but he said he had done many things for which he believed he or his principal would be made answerable. That he should not now trouble their lordships on that head, but he hoped that the day was not very far distant, when the matter would be fully cleared up. As to the want of force, or want of discipline, the general could not help that, it behoved those only who neglected that service to answer for his want of success.

The motion was then negatived without a division.

Dec. 20. The Bill was read a third time. On the motion that it do pass,

The Marquis of *Rockingham* said: I have a Petition to present from the merchants of Bristol, complaining of the hardships they are likely to suffer, should this Bill pass into a law. I do not mean to oppose the Bill in this stage, but purely to explain a matter relative to the object of this petition. When this petition was offered to be presented in the committee by a noble duke now absent, (duke of Manchester) the noble earl over the way (lord Sandwich) rose and observed, that he had a clause which would entirely obviate the apprehensions expressed in the petition. The noble duke, on this assurance, acquiesced; but it has since been discovered by the friends of the petition, that the clause by no means comes up to the idea or wishes of the petitioners. It is on that account, therefore, I would recommend to your lordships, to bestow some attention to the clause. The amendment I allude to is that which fixes the time for ships not immediately coming within the description of this Bill, from the 1st of January to the 1st of August. As the restraining Bills of last year permitted the importation of lumber and other commodities, from America into the West India islands; and as by this Bill provisions are made, which entirely alter the nature of that indulgence, and annex different conditions, what will be the consequence, but that goods shipped under the faith of the two restraining Acts, will be liable to confiscation and seizure, from not knowing that the law has been altered by the present Bill? To remedy this unprecedented hardship and injustice, I would change the commencement of the operation of this Bill from the 1st of January to the 1st of March, by which means persons concerned in the West India trade will have timely notice of the alteration made by this Bill, and have it in their power to prevent the seizures which must otherwise be the inevitable consequence of their want of information.

The Earl of *Suffolk*. It is somewhat extraordinary that this Bill should, in this stage, meet with an opposition, after having been so fully before debated. For my part, I think dispatch is now become necessary; and, for that reason, I shall not be for admitting any farther delay. As to

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the petition the noble marquis now offers to present, I take it to be entirely irregular. The question now before your lordships cannot relate to any particular clause or amendment in the Bill; those are already decided on.

Viscount *Weymouth.* It is, in my opinion, totally irregular, in this stage of the Bill, to offer any matter whatever, but what may go to the total rejection of the Bill. The matter now urged should have been offered on the report. It is now too late, and consequently I shall be for having the question now before the House strictly adhered to.

The Earl of *Sandwich.* I differ extremely from the noble marquis in the construction of the clause alluded to. No Bill ever passed both Houses in a more deliberate manner than the present. It was maturely considered and debated in the other House. That House shewed every possible inclination to render it as palatable as was consistent with the principle of it; and admitted several alterations, in order to render it innoxious to all those against whom it was not immediately directed. I took the liberty to propose some amendments myself, to render it still less liable to objections which might be made by such as imagined their property to be affected; yet, after all this concession, to come in this stage to offer fresh clauses and amendments, is, I confess, what I did not at all look for or expect. I am clearly of opinion, that if the amendment suggested were to take place, it would, in a great measure, totally defeat the intentions of the Bill, by enabling all the parties to ship such quantities of goods under that indulgence, that every substantial operation of the Bill would be prevented. If, however, any seizures should happen, on account of want of information, it will be a good ground for obtaining such redress as the circumstances of the case may deserve; but as to making any amendment, which might open a door for collusion, I am totally against it.

The Earl of *Shelburne.* I should have thought myself precluded from opposing the Bill in this stage, after having so fully expressed my sentiments on the second reading, if I had not considered myself called on to inform your lordships of a particular circumstance, which has come to my own knowledge, as well as to state an objection or two to the Bill, which did not occur to me when first I delivered my sentiments on this subject. The fact is, that a merchant, whom I never saw before, applied to me, and told me, that a great number of vessels were now loading, under the express provisions of the restraining Act of last year; that the proprietors of those vessels and cargoes, would be liable to have them seized and confiscated: this he represented as a grievous hardship, as the merchants were brought into this predicament, by the confidence they had in a British act of parliament. I told the gentleman, he would have acted much more properly, to have applied to your lordships for redress: but I nevertheless thought it my duty to mention it, as a matter well deserving your lordships' consideration. On a former occasion, I spoke very fully to this Bill; but I cannot avoid mentioning one part of it, the concluding clause, which authorizes the crown to delegate to others the power of pardoning; and I understand, since I last delivered my thoughts on this subject, an amendment has been made, to prevent any doubt which might hereafter arise by the penning of the clause, of such a right being inherent in the crown. I have, my lords, consulted several able lawyers on the subject, and not one of them has acceded to the doctrine in its full extent. I have looked into several great authorities, as they lie scattered in books, concerning, this doctrine, and not one of them come up to the language of this Bill. One of them in particular lays great stress on the statute passed in the reign of Henry 8, which takes away this delegated power from the lords marchers, and vests it for ever solely in the crown. In short, after the best enquiries I have been able to make, I am not satisfied that this claim of delegating the power of pardoning in the lump is at all inherent in the crown. Some are of opinion, that this power may be given by his Majesty to individuals, others in the lump, others in America only; but not one, that it is inherent in the crown generally and unconditionally. Informed as I am, I speak with all possible diffidence on a subject of such a nature, and with all possible deference to the judgment of the noble and learned lords present, who declared when this subject was last under discussion, clearly in support of this power; but yet, after all, I trust the noble lords will excuse me for expressing a wish, that a point of such magnitude, a legal question involving in it such important consequences, were not hurried till an opportunity were given to consider this matter more fully,

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at which time a noble lord, whose state of health will not permit him at present to attend, (lord Camden) may probably be able to deliver his opinion, and this House, and the nation at large, be satisfied that an improper power is not vested in the crown by this Bill. The Greeks and Romans had some wars of the kind that is now carrying on against America by this country. They never gave them the name of rebellions, nor acted against them as alien enemies. The latter, in one of a similar nature, called it the Social War. I call this a Constitutional War. I say this Bill is fraught with innumerable mischiefs. Instead of exacting obedience, it declares nothing but a wish for separation; it meditates open destruction, not coercion. It goes not to the punishment of rebels and the protection of the innocent. It is made contrary to every rule observed in commotions of this kind. Instead of being directed against individuals, who are the supposed authors of this rebellion, it is carried on as if against foreign enemies; war is made on the community at large. In fine, the principle of the Bill is to punish the innocent, as well as the guilty. But if the principle of the Bill be bad, the provisions of it are still worse. To carry it into execution, what are you to do? The framers of the Bill, in order to stifle and hide the fixed aversion the people in general entertain for the service, have provided that the plunder shall be shared among the captors, by way of encouragement. What is this but sacrificing the merchant to the seaman? Again, the glaring cruelty and injustice of such a procedure, have induced the friends of the Bill to admit some clauses, in order to soften the unexampled rigour of the hardships complained of. Thus the seaman in turn is sacrificed to the merchant. In such a state of uncertainty, what are we to conclude from this heterogeneous mixture of indulgence and severity, by which the merchant is neither sure of his property, nor the seaman of the produce of his capture, when all will be law, litigation, and confusion? It directly calls to my memory the story relative to sir Charles Wager, alluded to in a former debate by a noble and learned lord (Mansfield) who after taking a very valuable prize, and having her condemned, when the balance came to be struck, found himself a considerable loser. On the whole, I think the principle of the Bill wrong, the provisions absurd, oppressive, cruel, and contradictory, and the measure taken together, to the last degree, hasty, rash, unjust, and ruinous.

Lord *Mansfield*. I did not come prepared the last day this Bill was under consideration to speak to it, though I delivered my sentiments upon some particular matters which happened then to come into discussion; nor should I now trouble your lordships, did not I think myself called upon to assign my reasons for assenting to it. The noble lord says, this Bill is hasty, rash, ruinous, and unjust. I shall beg the patience of the House, while I endeavour to exculpate myself from that part of the censure which may be presumed to fall to my share, as giving it my support arises from the fullest conviction of its utter necessity in the present state of things. Before, however, I speak to the principle of the Bill, I shall explain one matter, which has been frequently mentioned. It has been objected, that one of the clauses has a retrospective view, as it legalizes all seizures made before the passing of this Bill. This, my lords, is not unusual: it has, indeed, been the uniform practice in such cases. It is founded in justice; because if such seizures were made wantonly, or without cause, and not upon the only ground on which they can be fairly defended, that of manifestly advancing the public service, the clause in this Bill will not protect or indemnify any act of that kind. Besides, what is the true legal construction of this clause? Not, surely, to seize the property and confiscate it. No, only to defend the actors against personal actions, the persons complaining being still left at full liberty to pursue their remedy at law, in order to recover their property, or the value of it. It would, indeed, be impossible for officers in high command to act, if for measures taken for the good of the state, they should be liable afterwards to be ruined by the almost infinity of suits that might be instituted against them, when the commotions were over, and every thing returned into its former tranquil state. The noble lord seems to doubt the right of delegating the power of pardoning being inherent in the crown; for my part, I am perfectly clear it has from the first establishment of the monarchy. General Gage exercised it on a late occasion, where, by proclamation, he promised pardons to every man in America, but one or two individuals. It has been always the practice. Every general of an army, acting against rebels, is vested with this power. Indeed, I believe, there never was

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a rebellion in this country, or its dominions, in which this power was not actually exercised. The rebels taken in 1715 at Preston, claimed it as an agreement, as the terms of capitulation. It was not granted; but the power was never disputed. A night or two ago I was reading the Register, a book of the first law authority extant. It is full of original writs. So early as the reign of Edward 1, I find this doctrine of pardoning in the lump fully confirmed. I found there a *dedimus potestatem*, directed by that king to certain persons therein mentioned, to pardon all the people of Galloway. Was not this pardoning in the lump? Was not this pardoning a whole community? As to the original matter that gave rise to this Bill, I always was of opinion that the people of America were as much bound to obey the acts of the British parliament, as the inhabitants of London and Middlesex. I always thought, that ever since the peace of Paris, the northern colonies were meditating a state of independency on this country. They have told you as much in one of the publications of the continental congress, wherein they thank Providence, for inspiring their enemies with the resolution of not attempting to carry their schemes of dominion into execution, till they had arrived at a growth and strength sufficient to resist them. I have not a doubt on my mind but this has been their intention from the period I allude to. Whatever might be their wishes before that time, their situation rendered it impracticable, because it was this country that could alone protect them against the power of France, to which their whole frontier lay exposed. But allowing that all their professions were genuine, that their inclinations were those of duty and respect towards this country, that they entered into the present rebellion through the intrigues and arts of a few factious and ambitious men, or those who ultimately directed them; that the Stamp Act was wrong, that the Declaratory Law might assert the supremacy over that country, but it ought never to be exercised, nor amount to more than such a power as his present Majesty claims over the kingdom of France, a mere nominal dominion, that no troops should be sent into that country, even to defend them, without their own permission; that the Admiralty courts should never be made to extend there, though by the trial by jury, the parties themselves would be judges; that offenders against the laws and authority of this country should be tried for offences by persons who themselves were ready to declare they did not think the charges criminal; that no restraints should be laid upon their commerce, though that great bulwark of the riches and commerce of this country, the Act of Navigation, depended on such restraints; that every measure hitherto taken to compel submission to the parliamentary authority of this country, was cruel and unjust; that every ministry in this country were tyrannic and oppressive, and that the last is worst of all. Yet, admitting all this to be true, my lords, what are we to do? Are we to rest inactive, with our arms folded, till they shall think proper to begin the attack, and gain strength to do it with effect? We are now in such a situation, that we must either fight or be pursued. What a Swedish general said to his men, in the reign of Gustavus Adolphus, just at the eve of a battle, is extremely applicable to us at present: Pointing to the enemy, who were marching down to engage them, said he, "My lads, you see those men, yonder; if you do not kill them, they will kill you." If we do not, my lords, get the better of America, America will get the better of us. We do not fear, at present, that they will attack us at home; but consider, on the other hand, what will be the fate of the sugar islands; what will be the fate of our trade to that country. That, my lords, is a most important consideration; it is the best feather in our wing. The people of America are preparing to raise a navy; they have begun in part; trade will beget opulence, and by that means they will be enabled to hire ships from foreign powers. It is said, the present war is only defensive on the part of America. Is that the case? Is the attack on Canada, or the attempt on Halifax a defensive war? Is the prohibiting all trade and commerce with every other part of the dominions of the British empire, with Ireland, for whom they express such friendly sentiments, is starving the sugar islands, acting on the defensive? No; though those people never offended, nor oppressed us, we will distress them, say they, because that will be distressing Great Britain. Are we, in the midst of all the outrages of hostility, of seizing our ships, entering our provinces at the head of numerous armies, seizing our forts, to stand idle, because we are told this is an unjust war, and wait till they have brought

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their arms to our very doors. The last Dutch war was generally understood to be unjust; yet that did not prevent us from repelling the invaders, when they came up to burn our navy at Chatham. The causes of the late war were much condemned, but that did not prevent us from pursuing it with vigour. Indeed, the nature of all war is such, it ought to be carried on with vigour, till the objects which caused it are either obtained or abandoned. Neither, I trust, is the case in the present instance.

The Bill was then passed.

Further Debate in the Commons on the American Prohibitory Bill.] Dec. 21. A Message from the Lords, acquainting the House with the Amendments they had made in the American Prohibitory Bill. Sir Grey Cooper moved, that the said Amendments be now taken into consideration.

Mr. *Hartley.* Sir, upon this pause which is offered to you by the return of this Bill from the Lords, I confess that I feel a kind of superstition to wish for one last word to deprecate the fatal blow, and that our unremitted opposition and remonstrance from the first to the very last stage of this Bill may remain as a memorial, that some of us, at least, lament this final separation of America with an affectionate regret. We are overpowered by numbers, and all our entreaties and remonstrances are in vain. An inflexible majority in parliament have now declared all America to be an independent hostile state. Disputes originally between administration and America, are become, by the influence of administration, the ground of a parliamentary war with America. The sense of the nation is not with that war, and I trust it never will be. However, speaking in parliament to ministers as they seem determined to drive all things to extremities, I must ask whether you are to expect that while you burn their towns, take or destroy their ships and property, they will sit with their arms folded, or whether they will not be driven to repel injury by injury. You have found their active powers of defence by the experience of the last year, when by your orders the shedding of the first civil blood was precipitated on the fatal 19th of April, before your pretended conciliatory motion could be proposed to any of the American assemblies? Why were you found unguarded in Canada? You have lost all Canada. Two regiments are taken prisoners. Your officers are hostages, and yet you proceed in this unjust and unnatural war, with fire, sword, and rapine. What farther hostages may fall into their hands at Boston, or what blood of our fellow subjects may be shed there, I contemplate with horror. I dread some fatal event there. Public report threatens. When the provincials shall hear the fate of their late and last petition, and when they see all prospect of peace become desperate, what can you expect but that they should exert every power to destroy your land forces in America during the severity of the winter, before you can support or relieve them. Who will be answerable for these things? When this Bill of rapine, which now lies before you, gets to them, they will set themselves to retaliate upon your fleet. Your land force has been disgraced and annihilated in the first campaign, notwithstanding all your boastings. Are we not then to expect that those ministers of vengeance who shall press on a naval war with America, shall be responsible to their country, for the consequences of their headstrong measures, if the navy of this country should be brought to disgrace and defeat. Weigh the consequences. If you send large ships they will not be able to act; if small ones, may they not be overpowered? Consider the distance of your operations. Every port in America will be a Dunkirk to you. We know their skill and bravery as privateers in the last war. In any case you are laying the foundation of an hostile marine in America, which has been and ought to be the source of the marine of Great Britain. I cannot be an adviser or a well wisher to any of the vindictive operations against America, because I think the cause unjust; but at the same time I must be equally earnest to secure British interests from destruction; neither a victory of Great Britain over America, nor of America over Great Britain can afford any matter of triumph. Both are equally destructive. If nothing can abate your fury against the Americans in this ministerial war, we shall expect at least that you should guard our own vulnerable parts. Are you guarded at Newfoundland? Are you prepared against any expedition of retaliation if the provincials should meditate any thing to the destruction of your fisheries there? Administration have been the aggressors in every thing, step by step. By this fatal Bill of

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separation you now declare the Americans to be enemies in form, therefore it is yourselves that force upon them the rights of enemies. You must now be responsible to your country for the events of your own war, to which they have been so reluctant and you so precipitate. When this country shall come to open its eyes, to see and to feel the consequences, they will know of whom to require an account. Sir, I shall now move you, instead of agreeing to the amendments of the Lords, to adjourn the consideration of them for six weeks; I confess with very little hopes of averting this Bill, but as I told you at my out-set, from a superstitious feeling in my mind, to perform the last ceremonial office of affection and everlasting farewell to peace and to America. The fate of America is cast. You may bruise its heel, but you cannot crush its head. It will revive again. The new world is before them. Liberty is theirs. They have possession of a free government, their birthright and inheritance, derived to them from their parent state, which the hand of violence cannot wrest from them. If you will cast them off, my last wish is to them; may they go and prosper! When the final period of this once happy country shall overtake ourselves, either through tumult or tyranny, may another Phœnix rise out of our ashes!

Sir *Joseph Mawbey* seconded the motion. He spoke chiefly to the means employed by ministers, their tools, and partizans, to obtain addresses to the throne. He observed, that every nerve had been strained to procure those paltry addresses, from every remote, obscure, indigent place, that had the name of a corporation, from one end of the kingdom to the other; that in other places, where the objection of poverty did not hold good, the most infamous methods had been adopted. In some, no county meetings were called, to take the sense of the freeholders; in others, a few profligate and corrupt magistrates, under the influence of some silly lordling, some court sycophant, or servile Jack in office, assembled in private rooms: or if in the usual place for holding such meetings, locked themselves in, and excluded all the wealthy, respectable, and independent citizens or townsmen, and then fabricated the most fulsome, adulatory, and shameful addresses. Those they had the effrontery to carry to the foot of the throne, as the genuine sentiments of the people; though nothing could be more false, for they belied the wishes as well as prevailing opinions of the very constituent bodies whose public acts they were pretended to be: and thus the prince was deceived, the nation dishonoured, and its interests sacrificed, to the deep and dangerous machinations of a desperate faction. Addresses were hawked about from parish to parish, from house to house; promises, threats, and various means equally unjustifiable were employed. The most abject and abandoned, who were neither entitled by property, or franchise, were hired to give a sanction to those iniquitous proceedings. He then turned his attention to what he called the barbarous warfare, carrying on against the inhabitants of the North American sea coasts; and termed it an hellish policy of making war upon old men, women, children, and other innocent and defenceless persons.

Mr. *Bayley* insisted on the injuries sustained by the West India islands. He was fully convinced, that the inhabitants of those islands must be starved; and though they should not, their crops must be lost, as they had not nearly lumber enough to save the present; that such being the case, the proprietors must be ruined, and the consequences would in the end reach the merchants, so as, he feared, to bring on a general bankruptcy among those in any manner interested in the West India trade.

Governor *Johnstone* observed, that this Bill, in its passage through this House, relative to the point mentioned by the hon. gentleman who spoke last, was solely defended by administration on the ground that provisions might be had from the Floridas, and flour and lumber from Quebec; that both those resources were known already to have no existence. For the Floridas had not provisions sufficient to support the few inhabitants; and no supply could be expected from Quebec of any kind. For probably, by this time, we were not in possession of a foot of land in that province. From whence, he asked, is the supply of either lumber or provisions to come? This was a matter of weighty consideration. He remarked, with severity, on those who caused shameful misrepresentations of facts to be published in the Gazette. He quoted several instances since the commencement of hostilities in America, in proof of this assertion.

The motion was negatived, and the Amendments agreed to.

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*Debates in the Lords relative to the Trial of the Duchess of Kingston.**] November 20. Lord *Mansfield* observed, that a bill of indictment had been found by the grand jury for Middlesex, against Elizabeth duchess dowager of Kingston; that a copy of that indictment, together with the Certiorari, had been laid before their lordships agreeable to order. The agent for the prosecution had been asked, "Whether he was apprised of the existence of a sentence obtained from the ecclesiastical court?" He had answered affirmatively, "That he was apprised of the existence of such a sentence, but nevertheless he meant to pursue the indictment." Such being the intention of the prosecutors, it remained with their lordships to settle only the time and place of trial. This was a matter entirely within their own jurisdiction; their lordships possessed the right of adjusting every formality necessary to the trial of peers, and they were competent to the exercise of that right in a manner most suitable to their own ideas. The king and peers of the realm formed a court of judicature altogether consonant with the spirit of the constitution; but whether the trial of a peer was carried on in the Parliament Chamber, in Westminster-hall, a church, or in any other spacious building, was altogether immaterial; immemorial usage had vested the power of place and time in their lordships' breasts. If the trial of the lady whose indictment had given rise to this deliberation should be fixed in that House, the Lord High Steward would act only in the capacity of Speaker: the interrogatories must be propounded through him, but he would have, in other respects, no authority whatsoever; he would give his single voice like any other peer. The ascertainment of time and selection of place being thus within the power of their lordships, it remained only to state the species of crime alleged against the lady, the better to guide their lordships in their judgment on the occasion. There were crimes for which, if on their arraignment peers were found guilty, the legislature had denounced terrible punishments. Their lives were forfeited to public justice; their noble blood was corrupted; their estates were either alienated by forfeiture to the crown, or they escheated to the parties, of whom they had been held. Such were the punishments inflicted on peers, whose offences were of the capital kind. For the trial of such offenders, too public, too awful, too ceremonious a mode could hardly be adopted. For the sake of example, this was necessary; for the sake of terror, it was perhaps useful. But with respect to the case before their lordships, it was a charge, not of bigamy, but polygamy; it was a clergyable offence. The indictment was instituted, not really at the suit of the crown; it was the prosecution of private individuals. There were offences of a public nature, of which the Attorney General, as an officer of the king and of the public, had a right to take cognizance. He might exercise his discretionary judgment in determining what should and what should not be subjected to judicatorial tribunal. This would not apply to the case before their lordships. The Attorney General had not in virtue of his office taken cognizance of the supposed offence. It came simply before their lordships as a matter, although of a criminal complexion, yet entirely of a civil nature. It was connected with other disputes about property. The indictment was to be pursued in defiance of the sentence obtained out of the ecclesiastical court, which sentence to this hour remained in full force: no attempts had been made to invalidate this sentence; nor had the decree affirmed by the court of Chancery, grounded on that sentence, been yet appealed from. This should seem, as if the lady's opponents were too conscious of the force of the sentence to attempt an invalidation. They might be justified in this apprehension; for the noble lord had himself determined a case, wherein a gentleman of the same family with the earl of Bristol (the late Thomas Hervey) was concerned. It appearing by a sentence of the ecclesiastical court, that he had been married to a lady who claimed him as her husband, a verdict had been given on the ground of that sentence. There was a still stronger case to evince the validity of ecclesiastical sentences. A man had been tried for the forgery of a will. The forgery was clearly proved, but a probate of the will was exhibited and allowed to be a sufficient bar to conviction. These cases operated strongly. They operated, not only to shew that the trial, so far from being as public, should be as private as possible, but they gave rise to this objection, "Whether, in point of justice, there should be any trial at all?" A peeress of England was to be tried by her peers. The curiosity of Europe would

* For the Trial of the Duchess of Kingston, see Howell's State Trials, Vol. 20, p. 355.

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be excited. Admitting her to be convicted, *cui bono?* What good would result to the public? What advantage would accrue to the prosecutors? Her conviction would not in the smallest degree affect any civil suits now pending, or that might hereafter be instituted against this lady. And as to the public at large, would her conviction operate as an example? By no means; for no punishment could be inflicted on her. Say that she was arraigned at the bar of the House. Well! the ecclesiastical sentence would be exhibited in defence, and perhaps, put a stop to the trial. Admitting, however, that this was not the case; suppose the lady found guilty. What then? Why then she makes your lordships a curtsey, and you return the compliment with a bow. There is, to be sure, for clergyable felonies such a thing as burning in the hand. To the hand of a lady this might be very disagreeable: but there happens to be an act of parliament which will not permit peers to suffer corporal punishment for any thing under a capital crime. The lady therefore pleads her peerage, and takes her leave.—Can there be no forfeiture? Yes, of the personal effects. But if the lady should be convicted, the earl of Bristol has a claim to her personal effects; and as he has formally renounced all title to the lady, he will scarcely contradict himself, by laying claim to effects which can be his, only in virtue of marriage. The prosecutors therefore cannot acquire the smallest advantage from the conviction. This being an exact state of facts, the trial, neither being attended immediately with any service to the public, nor eventually with any advantage to the prosecutors, if, nevertheless, there was yet to be a trial, the more privately it was conducted the more prudent would be the measure. His lordship would not move to have the trial waved. There were several modes of effecting that purpose. A *noli prosequi* was sometimes obtained by an authorization under the sign manual: sometimes the secretaries of state directed the measure. In the case before their lordships, the House might be moved to address his Majesty that he would be graciously pleased to give directions to the proper officer to grant a *noli prosequi*. His lordship did not intend to move for such an address; he threw out the measure only as a matter of future consideration. For the present he should move, "That Elizabeth, commonly called duchess of Kingston, should be tried at the bar of that House on the 18th of December next."

The motion was agreed to.

Dec. 8. The *Lord Chancellor* recited the several measures which had been pursued relative to the removal of the Certiorari in the duchess of Kingston's case, from the inferior court, wherein the indictment was originally preferred. His lordship defined the offence to be of a bailable nature, but not a capital felony, although, in his opinion, the blackest crime which came within the benefit of clergy, and the most grievous consequences attended the conviction. The lady alluded to had been indicted in an inferior court, for a second marriage, during the life of her first husband, by the name, stile and title of "Elizabeth the wife of the hon. Augustus John Hervey," now earl of Bristol. In a petition she had presented to the House, praying the removal of the Certiorari, she had stiled herself "Elizabeth duchess dowager of Kingston." Her right, therefore, to be tried as a peeress being indisputable, it became necessary to consider what regulations should be adopted to give greater dignity to their proceedings. As the lady had been admitted to bail, the law required that she should surrender in discharge of her bail. But into whose custody? Whether the Usher of the Black Rod, the Serjeant at Arms, or the Lieutenant of the Tower, must be left to their lordships. Supposing the trial should last longer than one day, to what prison should the lady be committed? In his opinion the Tower was the prison which properly appertained to that House. It might be necessary therefore to give orders that the lieutenant of the Tower should attend on the morning of the trial to receive the lady into his custody after a surrender, in discharge of her bail.—The next matter was, whether agreeably to precedent, they would insist on the lady to make her obeisance to the House on her knees? Or, whether in consideration of her sex, they would remit that part of the ceremony? Another thing was, whether in case any of the evidences should, through age or infirmities, require such indulgence, chairs might not be appropriated for them? It was also proper to consider, whether an address ought not to be presented to his Majesty, praying, that a party of the guards may be ordered to attend on the occasion. Lastly, What space without the bar should be allotted to the

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lady's counsel; what number of persons, or whether any should be admitted to be present at the trial; all these matters the Chancellor moved, might be left to the determination of a committee.—Agreed to.

Dec. 11. Lord Lyttelton presented a Petition from the duchess of Kingston, praying to have her trial put off for two months. Amongst other things set forth in the Petition, it was alleged that her grace had been confined to her bed with a severe fit of illness for several days past, and was at this time in the said situation. Her physicians, Dr. Warren, Dr. Schomberg, and Dr. Faulk, had given it as their opinions, by certificates under their hands, that from the present situation of her grace, they thought it impossible for her to be able to attend before their lordships at the time appointed. The Petition likewise set forth, that it was with the utmost concern and grief that she found herself under the necessity of supplicating the indulgence of their lordships, and of submitting to remain longer under the imputation of a criminal charge.

The *Lord Chancellor* said, if the House was satisfied with the allegations of the Petition, it would be proper to allow further time, and there was not the least doubt but the House would indulge the petitioner, when the reasons for such indulgence were made satisfactory to their lordships; that as to the certificates from the physicians, no notice could be taken of them unless delivered in upon oath.

The House went into a committee to consider on the forms to be observed on the trial of the duchess dowager of Kingston, and came to the following Resolutions: 1. "That notwithstanding the regulations proposed by the said committee, the Chamber of Parliament is a very inconvenient place for a solemn trial; and that the committee find no precedent of a peer or peeress being tried at the bar of this House for any felony. 2. That upon the said Elizabeth calling herself duchess dowager of Kingston, appearing at the bar, she be taken into the custody of the Black Rod; and in case the trial lasts more than one day, she be committed by the House to the Tower of London. 3. That the House be moved, That an humble Address be presented to his Majesty, to desire that his Majesty will be graciously pleased to give orders, that a party of the guards do attend during the trial."

Dec. 12. The doctors Schomberg, Warren, and Faulk, attended according to order to give an account of the duchess of Kingston's health. They thought she would not be able to attend her trial on the 18th.

The Report from the Committee of yesterday was received, and the first Resolution being read,

Lord *Mansfield*. I rise to give my negative to this Resolution, 1st, because I think the committee have exceeded the order of reference, and decided upon a matter not properly before them; and 2ndly, because there is not the least necessity for trying the lady out of this House. As to the order of reference, it imported nothing more than that the committee should consider of several circumstances, relative and preparatory to the trial, which had not been before determined on by the House, and which at the time I moved the several former resolutions, now on your lordships' Journals, I deferred for future consideration. The first of these resolutions ordained, that the trial should be within the Chamber of Parliament. The first resolution of your committee now reported contradicts that directly; for it says the trial shall be had out of the Chamber of Parliament. This it does, to be sure, in an indefinite manner, without ascertaining the place where the trial ought to be had; but it, nevertheless, contradicts a resolution taken in a very full House, against which, as well as my recollection serves me, not one dissenting voice was heard; but even if there had, or that the House had not been so well attended, the effect would have been the same; for until the resolution had been rescinded, it can require little argument to prove, that it was totally incompetent for your committee to enter into any consideration relative to the proper place of trial. The reference did not, nor could not mean, that they were to consider of the properest or most convenient place of trial. That proper place had been already fixed by the House; therefore as long as the resolution remains on your lordships' Journals, no proceedings could be had thereon. The committee have exceeded their instructions, and of course have acted irregularly. I do not conceive that the charge against the lady has any thing sufficient to distinguish it from many others tried at your lordships bar. In 1725, I was present myself, when lord Macclesfield was tried

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for a grievous offence at this bar, an offence, considering the office he then held, that of Chancellor of Great Britain, accompanied by several very aggravating circumstances, for which he might have incurred a fine that would have affected perhaps the whole of his fortune, and consequently have ruined and impoverished his family. The proceedings were by impeachment,* the most solemn mode of trial known under our laws. The prosecution was not carried on by counsel, as it will be on the present occasion, but by managers from the other House, many in number, and consequently requiring more room. All accusations carried on by bill of attainder, are tried at this bar. Lord Strafford lost his head on the event of such a mode of trial; and several others I could mention, were it necessary, have been tried in the same manner. If, then, trials affecting the fortune and honours of a peer of the realm, working a corruption of blood, and a forfeiture of lands, have been tried in the Chamber of Parliament, will your lordships think, that a trial, which on conviction cannot be productive of any of those serious and important consequences, requires a greater solemnity? For my part, I am of opinion it cannot; for I remain still convinced, that although the lady should be convicted of the charge, the event will answer very few good purposes by the way of example. Such a consequence is, I believe, hardly expected. There never has such a thing before happened, nor perhaps ever will again. If it be meant as a rule, it is to my apprehension very improperly applied; for it can never work reformation among persons of a different or inferior rank. They know the mode of proceeding, already determined on in respect of themselves, should they be called to answer a charge of a similar nature; and the solemnities which may be adopted on this trial, can never possibly come home to them. The inconvenience for want of room seems to be the chief ground of this resolution; but that may be easily remedied. I remember to have seen galleries erected below the bar, for the purpose of admitting auditors; and I have frequently pleaded under them myself, when I have attended as counsel. Besides these general reasons, a solemn trial in Westminster-hall will be attended with a heavy expence; and I doubt much, if the place of trial should be changed, and the expence attending it had been forseen, whether the lady would ever have been tried. Another point that might have weighed with the committee, was, perhaps, that persons charged with such offences should be made as public as possible. For my part, I think otherwise. If the prisoner should be innocent, and one innocent must suffer more on such an occasion than any other, her misfortune must be aggravated; if she should be found guilty of the charge, or if she is conscious it will be made good, it is more than probable she will sink under it; then there will be no trial at all, and every argument of solemnity and example will be at an end. I must again remind your lordships, that should the lady be convicted, she will suffer no punishment whatever. The offence is a clergyable offence; the corporal punishment is remitted by statute; it will work no corruption of blood, loss of dower, or lands. If her marriage with lord Bristol shall be proved, her goods and chattels will become his property, consequently the whole will have the strangest appearance imaginable. She will be brought to her trial in Westminster-hall, with all the solemnities that can be conceived. The eyes of Great Britain, and all Europe, will impatiently wait for the issue; and supposing the charge attended with every possible circumstance of aggravation should be made good, what will be the consequence? She will go off without any degree of punishment whatever. I have heard within these few days, that a bill is instituted in Chancery, to prove that the sentence of the ecclesiastic court was obtained by collusion between the parties, in order to set that sentence aside; but supposing it should be proved that the sentence was obtained collusively, I cannot see what benefit the promoters of this prosecution will derive from it. I remember a case, where a person indicted for forging a will, produced the probate of it in court, in bar of the indictment, and it was received as a good plea, though it was believed he was guilty of the charge; so in the present case, though the collusion should be made manifest, the marriage will remain confirmed under the sentence. On the whole, I cannot perceive that any one good consequence can possibly result from this trial, either in a private or public light; much less can I see the necessity of having the lady tried in Westminster-hall, in preference to the Parliament Chamber. For the reasons above assigned, I

* See Howell's State Trials, Vol. 16, p. 767.

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am for disagreeing with your committee in this resolution.

Lord *Lyttelton*. I will not pretend to say whether the committee have exceeded their powers, or have gone out of the order of reference. If they have, the defect can be readily remedied by motion, or the resolution objected to may be withdrawn. I am far from thinking the offence so trivial, or the consequences so uninteresting, as the learned lord has represented them. I think the offence an offence of the most atrocious nature, immediately tending to dissolve the great bonds of civil society; and, in my opinion, a crime of the blackest dye; for I know of none that exceeds it in guilt. It is on this account that I am for having the trial carried on with every possible solemnity that this House is able to give it. The learned lord says, that supposing the lady should be convicted of the charge made in the indictment, yet she will escape unpunished. I think very differently, on the effect of such a conviction. I think that it will be no small degree of punishment, should the event of the trial go against her, that the noble and learned lord on the woolsack will, after informing her of the judgment of her Peers, ask her whether she has been ever before admitted to her clergy: and being answered in the negative, will tell her, that her punishment, that of burning in the hand, is remitted, on account of her rank; but that if ever she should offend again, on a clergyable offence, that she will be liable to suffer the pains and penalties of death; of suffering as a common felon. I do not say it is probable that the lady will offend again in this or any other manner; but I contend it is possible she may; and under that possibility, whatever the learned lord may conceive, I insist that such a warning, delivered in the manner I have represented, will be a very heavy and exemplary punishment, to a person of her rank. His lordship seems to be of opinion, that the proposed solemnities of this trial cannot operate by way of example, on persons of inferior rank. I beg leave to think it will. I think it will teach the public at large, that the highest are not exempt from punishment, if they should transgress the laws; and it will likewise convince them, that as the laws of their country are their common security, so they are the common avenger of every species of guilt and injustice, be the rank or fortune of the offenders what it may. The learned lord, speaking of the suit instituted in the court of Chancery, says, that that court is restricted in its juridical proceedings, by the sentence of the ecclesiastic court, which has declared the marriage void. Now, my lords, if that sentence should come out to have been procured by collusion and imposition, that is another cogent reason for sifting this matter to the bottom; for what would be the probable consequences of leaving it in the power of parties to dissolve marriages by such collusive management as this? But that by previous agreement, instituting a cause of jactitation, where no evidence appearing, only such as the parties think proper to produce, the ecclesiastic court, of course, give a sentence, and they are left at liberty to marry again. If the lady, in such a case, should happen to have children, the law is defeated, the true line of legal descent broken, and the next heir at once robbed of his honours and estate, by thus introducing a spurious issue. This, I say, my lords, is a matter that deserves your most serious consideration. This lady, or any other lady, by such means as these, may have it in her power to render illegitimate those that are truly legitimate; and to render spurious those who have the most clear and legal rights to their honours and estates. For aught any thing your lordships know, or can venture to foretel, if this matter be not now properly scrutinized, in twenty years hence it may again present itself in a different form. We may be called upon to decide on the rights of different claimants, for those honours; or for any other in which similar arts may be employed to defeat the descent. This reason, united with several others, is one that has determined my opinion on the propriety of entering fully into the merits of this very interesting business. If, upon conviction, the property of the personal estate should appear to be vested in the lady, by any particular agreement, that is another object worthy of notice; and what I think, were there no other, should urge us to see that the claim which the crown is entitled to make by the Attorney General, should be fairly and fully maintained. The great expence of a trial in Westminster-hall is another of the noble lord's objections; but I am confident such a consideration will never weigh with his Majesty, when justice is the object to be obtained; and that species of justice too, which in its consequences may be of such singular importance

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to the nation at large. There are other matters of a private nature, which are not totally unworthy of your lordships' notice. The suit the noble lord speaks of can never come to a hearing, till your lordships decide on this matter; for as the lady is not obliged to answer upon oath, she will of course answer shortly to the bill filed against her in the court of Chancery, that she cannot give in a full answer till this House have determined. In this view again, the public administration of justice will be retarded. In one event, if she should be acquitted, there is at once an end of the matter; in the other, if she should be convicted, that conviction will be ground for a civil prosecution for the recovery of the real estates. On the whole, my lords, I most sincerely wish that the affair may be fully and fairly investigated; that the trial may be in the most public manner, accompanied with every possible solemnity; and that it may not prevail in general, that this House, departing from its duty and known love of justice, should chuse to huddle the affair up, by having none, or at least very few witnesses, to their proceedings and the grounds of their determination.

Lord *Mansfield.* I am sorry I have had the misfortune to be so much misunderstood by the noble lord, or that it should go out of this House, that I had offered a syllable in extenuation of the crime; on the contrary, if any act of collusion should come out, and it should be made appear that the ecclesiastical court was imposed on by the parties, and made to pronounce sentence upon false information, it would be a very great aggravation of the offence, nay of a much blacker dye than some offences the law defines and pronounces murder. His lordship states another argument, in which he is, I think, equally mistaken, and which with me would operate in a direct contrary manner from what he seems to wish. He says, the cause instituted in the court of Chancery cannot proceed, and that the lady's conviction will be a ground for a civil prosecution. That is one, and indeed the chief exception I have to the trial, for I shall always be against criminal prosecutions, as laying a ground for pursuing and maintaining civil claims. The noble lord says, that it is in the power of this House to add to the punishment, should the lady be convicted. I doubt whether this assertion can be justified in law. I know but of one (for there is no precedent throughout the whole business to direct us) and that is the statute of Elizabeth, which empowers justices of the peace to commit persons convicted of clergyable offences to prison, for a time not exceeding twelve months. The words of the Act are, "all rogues, vagabonds, &c." I believe it would be difficult, by any analogous reasoning, to prove, that the Act alluded to vests such a power in this House, over its own members. As to the general motives, for making the trial as public and solemn as possible, I see very little weight in them. Great numbers of people may be accommodated in the galleries; and as to the preservation of descents, that part of the noble lord's argument comes to nothing; for the Marriage Act has obviated every inconvenience, were any such to be dreaded.

The Earl of *Sandwich.* I happened to come down to the House the day the committee were to sit, and going up stairs before they proceeded to business, they did me the honour to vote me into the chair. We were fully aware that the House had ordered the trial to be had in the Chamber of Parliament; but when the plans were submitted to our consideration, we perceived that there would not be sufficient room for the counsel and the parties; the space, according to the plan delivered to us, not having room for above twenty persons at each side. Whatever we did, therefore, was merely to express our sentiments as a ground for future consideration. As to the resolutions, I was the instrument employed to lay the sense of the committee before the House; and I cannot help declaring, that, in my opinion, Westminster-hall is a much more proper place for the trial than the Parliament Chamber; for undoubtedly, the nature of the charge and the rank of the person, require and call for the most public and solemn trial. The learned lord asserted, that the Marriage Act will prevent every possible evil, that might arise by instituting causes of jactitation in the ecclesiastical court, and obtaining sentences thereby means of collusion and imposition. I dare say I am wrong; but I have hitherto imagined, that marriages solemnized beyond sea, or in Scotland, are valid and binding here, or within the kingdom of England, notwithstanding the provisions in the Marriage Act, so that they be legally solemnized according to the municipal laws of the respective countries where the ceremony is performed.

Lord *Mansfield.* The noble lord is

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partly right; but he misunderstood me. I laid down the rule as a general one, not as applying to every possible exception that might arise; and the instances the noble lord supposes, do not come within either the rule or the exception; for in the case of the lady, who is the subject of the present debate, her supposed marriage with the present lord Bristol was never publicly declared; she always continued to live as a single woman till the matter came to be litigated, and was brought before the ecclesiastical court; whereas in marriages solemnized beyond sea, the parties are supposed to live in a public state of matrimony.

The *Lord Chancellor*. After what has been urged this day, there can be no doubt that the charge stated in the indictment is of such a nature, though it stood alone, as to demand your utmost attention; but when coupled with the circumstances of collusion and deceit, which is the true ground of this prosecution, I am satisfied there is not a noble lord who can think of it without horror. The crime itself, however odious it may appear, seems nothing when compared with the aggravated means employed to ensure it success. I am clearly of opinion that this trial should be accompanied with every possible solemnity; and that nothing should be omitted to convince the public that justice only was intended on either side. I cannot but think the punishment, though it should be productive of no further consequences but bare conviction, will be very heavy. The infamy attending it surely is something, were it to rest there; and if it should reach all or any part of the lady's fortune, it must be very severely felt. On the whole, I do not think the Parliament Chamber at all calculated for this business; and should the aggravating circumstances, that the sentence was obtained collusively, turn out to be true, I confess the words of a great lawyer, respecting a person who married (or debauched) his sister-in- law during the life time of his wife, seem extremely applicable, that the crime was in itself of the worst complexion, but attended by this circumstance, it became still, if possible, a thousand times more odious and criminal.

The Earl of *Suffolk*. The question under consideration is solely confined to the conduct of the committee, to determine whether they have not exceeded their powers, and instead of adhering to the order of reference made by the House have not rather controuled our proceedings. In my opinion they have. The proceedings of the committee seem totally irregular, and as such I shall give my vote for disagreeing with the resolution now reported.

Earl *Gower*. I came into the committee room before it rose, and, as one who attended, am answerable in part for the present resolution, though I had no direct hand in framing it. On re-consideration, I think the committee exceeded their powers, and am therefore for rejecting the Resolution. As to the place where the trial ought to be had, I am for every possible solemnity, and for having it attended by every act of notoriety the enquiry into a charge of so atrocious a nature most loudly calls for.

Viscount *Weymouth*. I am convinced the committee acted by mistake, and offended against the order of the House, on an idea that the place proper for the trial, was what was properly referred to them. They went beyond their instructions, and of course have acted irregularly. On this ground alone, I shall vote against the Resolution.

Lord *Cathcart*. The Resolution now so much censured, makes its present appearance by mistake; and it has happened in this manner: when the resolutions were drawn up, the clerk was ordered to transcribe them; but as it is our misfortune at present to have but one clerk, he was obliged to come here to attend his duty, by which means he was under the necessity of giving the resolutions to some other person to copy. This person misplaced the present Resolution, and put it first, instead of giving it the last place, as you will see by perusing the Resolutions; for those that follow, suppose that the trial is to be held in the Parliament Chamber, while the first declare the very contrary. I assure the noble and learned lord, that the committee endeavoured to act in the best manner; and the ground of this Resolution was, that no precedent could be found, where any peer or peeress had been tried for felony, but in Westminster-hall: and in their researches, they perceived, that the committee appointed to draw up Resolutions for directing lord Macclesfield's trial, have stated the same in their report.

Viscount *Dudley*. I do not think the committee by any means exceeded the order of reference. Persons from the Board

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of Works attended for the purpose of shewing the space allotted for counsel, witnesses, &c. and it appearing so very small and inconvenient, we thought proper to come to this Resolution. When the Resolutions now before the House are disposed of, I mean to fix a day for taking the sense of the House, which is the proper place for the trial of the lady.

The first resolution was then rejected. The second resolution being read,

Lord *Mansfield* moved, that the House do disagree to that part of it relative to the committing the lady to the Tower. He opposed it on the grounds of the fatigue it might occasion to the prisoner; and the difficulty of rendering her up to the lieutenant of the Tower by any order made now, as she was out upon bail.

The *Lord Chancellor* saw no difficulty at all arising from the mode proposed; he had attended the circuits 16 years, and always saw, that on the first day the bail came into court and discharged themselves, by surrendering the prisoner into the hands of the proper officer, who, if the trial did not come on that day, took the prisoner into custody, and held him in confinement till he was tried.

Lord *Mansfield* observed, that what the learned lord stated was perfectly right; but his argument went to prove, that no order for the future confinement of the prisoner was ever made, till the prisoner was first surrendered and brought into court, in discharge of the bail; therefore the proper mode of proceeding would be to wait for that event, and when it arrived, either to take fresh bail, or to commit the lady to the Tower.

The latter part of this resolution was disagreed to; and it was only ordered, that the lady should, on her appearance at the bar, be taken into the custody of the Black Rod.

Dec. 14. Viscount *Dudley*. The resolution of your committee reported on the last day this business was under consideration, being pronounced irregular, previous to stating the grounds of the motion, which I shall submit to your lordships, I think it incumbent on me, as serving on that committee, to point out the cause of the apparent contradiction there was between the first resolution of the committee and the order under which they acted. In the first instance, they proceeded to call the officers of the Board of Works before them, and to examine the plan and accommodations of a trial to be held in the Parliament Chamber. After such a space had been allotted for the prisoner and her attendants, for the counsel, witnesses and agents, such a space for the persons attending the trial to pass and re-pass, it was found that there would be no room for the admission of auditors of any rank or condition whatever; or that if there might for a few, it would be impossible to draw any line to ascertain who they should be. Besides, it was considered, that on account of the sex of the prisoner, it would be proper to have a room apart, where, on some occasions, it might be improper to admit any but her female attendants. She might be taken ill or indisposed in the course of the trial; she might want to withdraw for other purposes, in which case it would be proper for her to have a room secluded from the intercourse of even her own counsel or agents, which if she should be tried in the Parliament Chamber, could not be the case, no such room being to be had. Those reasons induced the committee to submit to the House the inconvenience of holding the trial in the place appointed. The effect of all this was, however, destroyed by a mistake of the clerk who transcribed the resolutions; for instead of placing the resolution stating the inconvenience last, he placed it the first, and by that means the whole together carried an appearance of contradiction, only to be reconciled in the manner I have now related. We had another point in view, though as we looked upon ourselves in some measure restricted by the order, we made it no part of our report, that was, after the most minute researches, we could not find a single precedent of a peer or peeress being tried for felony in the Parliament Chamber. I am therefore of opinion, that I am well justified in stating the proposition I am about to submit to your lordships, that the place of trial is unprecedented. There were besides some matters mentioned by a noble and learned lord, whom I do not now see in his place, (lord Mansfield) that were far from striking me in the same manner they did that noble lord. It was said that the trial would not probably last above half an hour. Now I understand that it will be of much longer duration, and may be protracted to the length of two or three days, if not more, should the proofs come out that are expected to be adduced. The trial was, I remember, likewise treated as a trivial matter, as drawing after it no seri-

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ous consequences, and of course requiring none of those solemnities usual on similar occasions; but in this again I differ very widely from the learned lord, for I think a conviction for felony, pronounced by your lordships, as the first court of criminal judicature, a punishment that the most obdurate must very sensibly feel. The offence with which the lady is charged is of the blackest dye, and said to be attended with the most aggravating circumstances of criminality, to shew that the trial should be had with all possible solemnity such a charge demands. If your lordships should determine that the place of trial still remains at your own option, I have one of the greatest authorities to shew that you cannot dispense with the usual form of appointing a lord high steward. Lord Coke says, "Though the House of Peers have a right to try one of their own body at the bar of their own House, yet there must be a lord high steward appointed to preside at such trial." On the whole, my lords, taking the inconvenience, the point of precedent, and the solemnities required on such occasions, time immemorial, I shall move you, "As the Chamber of Parliament has been found an inconvenient place, and as it is unprecedented to try a peer or peeress, indicted for felony, at the bar of this House, that Elizabeth, calling herself duchess dowager of Kingston (indicted by the name of Elizabeth Hervey, wife of Augustus John Hervey, esq. now earl of Bristol, and one of the peers of this realm) be on Wednesday the 24th of January next, in Westminster-hall."

The Earl of *Marchmont*. I do not rise to oppose the whole of the noble viscount's motion, though I think it is expressed in harsher terms than I would wish to see adopted. What I rise chiefly for is, one of the grounds on which it is maintained, that of its being unprecedented to try a peer charged with felony at the bar of this House; because I believe I shall be able to satisfy your lordships, that the precedents all tend the other way. From the earliest and most authentic records, so early as the reign of Richard the 2d, we find that no one place or chamber had the preference to another, the choice entirely resting in the House. This is plain, from their lordships appointing the Chambre Blanche for the trial of the earl of Arundel in the reign of Richard the 2d, which could never have been the case, if the constant usage had been to try peers in Westminster-hall. On the point of inconvenience, I shall say nothing. What I contend is, that the position stated in the motion, "that it is unprecedented, &c." is false in fact, and that it is competent to this House, and not contradicted by precedent, that it may, by right and ancient usage, appoint the trial to be held in any chamber your lordships shall judge fit. But let us, my lords, come nearer to our own times; let us refer to the well known case of the earl of Strafford, who being ordered to be tried at the bar of this House, the Commons objected to it; and after several resolutions taken by both Houses on the subject, a conference was appointed, at which the proof was put on the Commons to establish the precedent. And when the earl of Bath reported the proceedings, it appeared the Commons were obliged to rest their arguments solely on the ground of convenience. Such was the temper of the times, joined perhaps to the prevailing disposition of the House at that time, that their lordships conceded, and the trial was held in Westminster-hall. The reasons assigned by the Commons, besides the argument of inconvenience, were similar to some of those now urged. The necessary solemnity was much insisted on, so was the popularity. What was the consequence of this first concession, which was followed by several others, is totally needless to repeat. A case of a similar nature happened the very next year, more immediately applicable to one part of the present motion; that was the case of lord Mordaunt for felony. Here the same controversy was renewed, and continued from the beginning of 1641, to June 1642, when the legal government being overthrown, the matter never came to be finally settled. On both those occasions the great Selden, to whom your lordships are much indebted for the very valuable manuscripts now in your possession; and who had twenty years before received the thanks of both Houses, for his useful and learned researches into the ancient records of the kingdom, particularly into those respecting the origin of parliaments; was an active member of the other House; and would, it may be well presumed, have maintained the usage of trying peers in Westminster-hall, at the conference, if in his power. That not being the case, I am, I think, warranted, as well on that account as that the Commons themselves gave up the point in controversy, and rested all upon the argument of inconvenience and popularity,

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in affirming that it is not unprecedented to try a peer or peeress indicted for felony at the bar of this House. The precedents now alluded to prove this, though neither of the noble lords were tried here, for the reason before assigned, their lordships having relinquished in one instance on the ground of convenience, and in the other matter having dropped, and in both the House having manifested a spirit of improper concession, which, in the end, terminated in their own ruin and dissolution: not, however, objecting to the ground of inconvenience, if the noble viscount consents to withdraw that part of his motion respecting the precedent, though I think it will still have the appearance of violence and severity, I shall not be for disagreeing to the motion thus amended.

Earl *Gower*. I still remain of my former opinion, that Westminster-hall, on the ground of solemnity and convenience, is a much fitter place for the intended trial than the bar of this House. The noble earl who spoke last, has, indeed, confessed this in part. I shall not enter into a view of the noble earl's sentiments. It is sufficient to determine, without entering into a further consideration, that the committee have declared their opinion, that the Chamber of Parliament is inconvenient; and that no sufficient reason has been yet assigned to shew that the trial ought not to be held at Westminster-hall. I must however observe, that the state of the lady's health is at present very precarious; and that her mind is so far affected, as to render her very unfit for making her defence against a charge of so heavy a nature. It is my opinion, therefore, before we take any other steps, except appointing the place of trial, that we should call upon her physicians, some day between this and the recess, to know what condition she is in, and whether she will be able to undergo the fatigue of a trial, so early as the day appointed in the motion. If she should, then it will be time enough to decide upon the mode and all the other circumstances consequent upon a trial in Westminster-hall.

Viscount *Dudley*. The noble earl who objects to the word 'unprecedented,' has taken great pains to shew, that this House have claimed a right of trying their members where they pleased. If his arguments went only to that, I should readily acquiesce: the position contained in my motion, does not contradict it: it only states a fact, and I defy his lordship to quote a single instance in which any peer has been tried for felony in any other place but Westminster-hall. The precedents besides, urged by his lordship, are in the reign of Charles the 1st. I should have been better satisfied, if his lordship had referred to some since the Revolution: for long before that period, the trials in this House were utterly disgraceful. It was in the power of the prince, by selecting a certain number of his creatures, under the denomination of a committee, to sacrifice any man, who by his independent spirit had rendered himself obnoxious to himself or his ministers. If, however, the noble earl produces one precedent, which contradicts the terms in which my motion is conceived, I am willing to relinquish the objectionable part of it.

The Earl of *Marchmont*. I think the cases alluded to, fairly prove that the noble viscount seems to doubt. They at least prove, that the choice remains with your lordships; and it seems very hazardous to establish a precedent which might, on some future occasion, establish a doctrine of a very dangerous nature. It is a great mistake, that a fact establishes a precedent; whereas nothing can be more different. There may have happened many facts, without laying a foundation for establishing a single precedent. Those facts may have been attended with a variety of circumstances now impossible to be ascertained or decided on. That no direct proof can be produced of any peer being tried for felony at the bar of this House, may be true; but that, in my opinion, comes very short of a precedent. The present motion, if carried, would at least imply, if not establish such a precedent, which cannot be supported by any rule of former proceedings.

Lord *Lyttelton*. We are convened here this day, my lords, merely to decide on the time and place for the trial of the duchess of Kingston. The committee appointed by your lordships have reported that the Parliament Chamber is an inconvenient place for that purpose; the natural conclusion from which is, that the trial ought to be held in Westminster-hall. I have not heard a single consideration of the least weight urged against it. If indeed it had appeared, that by any accident or uncommon circumstance, the lady had been brought into a situation which would render a trial necessary, and in which the charge was of such a nature as to bespeak the innocence of the culprit, no one would

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be readier to grant every possible indulgence the nature and circumstances of such a case would necessarily be entitled to. Is that the case here? No, my lords, should the lady be convicted of the charge made against her, she will be convicted of a crime deeply affecting the peace and happiness of civil society; and should the conviction be attended with proofs of fraud and collusion, it will appear with every aggravation of the most unexampled iniquity. If the lady be innocent, she will surely be happy in having her innocence made manifest: if the charge brought against her should turn out to be true, none of your lordships would, I dare say, wish to have any of the mortifications resulting from a public trial mitigated or softened, much less totally prevented. For my part, I think it incumbent on your lordships to make the trial as public as possible. Places where justice is administered should be open to the eye of the public. What will be the case here? There will be room for twenty or thirty persons. This, in my opinion, would be establishing a very dangerous precedent. It might materially affect this House, it might affect your lordships' posterity, and the whole body of the British peerage. A time might come, when a peer might be brought to his trial at this bar, when only the same number would be admitted; and care might be taken to occupy the room with persons admitted on purpose to misrepresent what had happened, which would consequently deprive the peerage of the privilege of a fair, indifferent, and open trial. The noble earl, who has this day endeavoured to produce so many precedents, has, I think, drawn them from times very unfavourable both to public liberty and true constitutional government. His lordship has taken them from the time of Charles the 1st. But I trust that the principles of the parliaments in those times were as opposite to the present, as the disposition of that mistaken tyrant was to that of his present majesty. As to the precedent this motion may tend to establish, I do not pretend to decide on it. However, as it has been so strongly objected, I would recommend to the noble lord who made the motion, to substitute the word 'unusual' for 'unprecedented.'

The Earl of *Sandwich*. The noble earl to whom this House has been so often, so highly, indebted for his great and extensive knowledge in matters of order, has I think this day employed his great learning to very little purpose. He has found fault with the motion made by the noble viscount; and after all his learned researches, he has produced what he calls two precedents: but when we come to examine those precedents, what do they turn out to be? Why, one of them is no precedent at all, for the noble lord alluded to was never tried; and the other proves expressly the very contrary of what the noble earl has endeavoured to establish; lord Strafford being tried in Westminster-hall, and not in the Parliament Chamber. I think the motion establishes no new precedent, recognizes no old one: it simply states a matter of fact, that it is unprecedented to try peers charged with felony, in the Parliament Chamber. If the noble earl can contradict it, the matter will be at once settled: if not, I cannot see any solid objection to the motion, as it now stands.

Lord *Sandys*. I think the option of trying any member of our own body, either here or in Westminster-hall, is clearly vested in this House; nor can I see the two precedents mentioned early in this debate, in the same light with the noble earl who spoke last; for the proof being put on the Commons, and their not being able to make it out, appears to me a very strange reason, that the precedent was in their favour.

Viscount *Dudley*. I have no desire to press the motion, as it now stands, on the House; yet I have not heard a single reason to induce me to change my opinion. The first part states a fact, which remains uncontradicted; and I believe ever will, from any thing that has hitherto passed on a similar occasion. The noble lord (Lyttelton) has suggested an alteration, by substituting the word 'unusual' for 'unprecedented;' but I think it better to omit the whole sentence than admit of any such change, which would imply what is not warranted by fact—that trials for felony have at any time been held in the Parliament Chamber.—His lordship then made the motion thus amended; which was agreed to.

1776.

Debate in the Commons relative to a Message sent to the Parliament of Ireland concerning the Employment of Foreign Troops.] Feb. 15, 1776. Mr. *T. Townshend* spoke fully upon the privileges of the House of Commons. He maintained, that the only true substantial meaning or idea

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those privileges conveyed was, that they were the indubitable right of all the Commons of England, who had one general interest in them. That to be sure, in a more confined sense, they were particularly applied first to that House, as a deliberate body, and one of the branches of the legislature: secondly, to the individual members who composed that body. He did not intend to make them, however, the subject of this day's business; they were but of inferior consequence, when opposed to that great privilege, the power of granting money, or keeping the purse of their constituents safe from the hands of violence, art or fraud. This was a trust of the first magnitude; it, in fact, included every other; for so long as that was preserved inviolate, the crown would remain under the constitutional controul of parliament; so spon as that was wrested by open force, defeated by indirect means, or done away by fraud, the liberties and the privileges of the people would be annihilated. He expatiated on the commendable jealousy of that House whenever the least attempt had been made in that way even by the other House; but when any endeavours were made by the crown, or its ministerial agents, the Commons at all times caught the alarm; they had uniformly united, as if they were actuated by one soul, to resist any attempt of the crown to encroach upon their power of granting or refusing the money to be raised on themselves or their constituents. He then opened the cause which induced him to make these observations; and read the following papers:

"Message to the Irish House of Commons.

"*Jovis, Nov.* 23, 1774.

"HARCOURT.—I have his Majesty's command, to acquaint you, that the situation of affairs, in part of his American dominions, is such, as makes it necessary, for the honour and safety of the British empire, and for the support of his Majesty's just rights, to desire the concurrence of his faithful parliament of Ireland, in sending out of this kingdom, a force not exceeding 4,000 men, part of the number of troops upon this establishment, appointed to remain in this kingdom, for its defence, and to declare to you, his Majesty's most gracious intentions, that such part of his army as shall be spared out of this kingdom, to answer the present exigency of affairs, is not to continue a charge upon this establishment so long as they shall remain out of the kingdom. I am further commanded to inform you, that as his Majesty has nothing more at heart than the security and protection of his people of Ireland, it is his intention, if it be the desire of parliament, to replace such forces, as may be sent out of this kingdom, by an equal number of foreign Protestant troops, as soon as his Majesty shall be enabled so to do. The charge of such troops to be defrayed without any expence to this kingdom."

"Extract from the Address of Knights, &c. to Lord Harcourt.

"That your excellency will be pleased to return his Majesty our most grateful thanks for his gracious declaration, that his Majesty hath nothing more at heart than the security and protection of his people of Ireland, of which his Majesty has given a signal proof, by his offer, if it shall be the desire of parliament, to replace such forces as may be sent out of this kingdom, by an equal number of foreign Protestant troops, the charge thereof to be defrayed, without any expence to this kingdom."

"Extract from the Votes of the House of Commons of Ireland.

"An amendment was proposed to be made to the resolution, by inserting after the word 'resolved,' the following words, viz. "That having, in consequence of his Majesty's gracious recommendation, and of our mature consideration of the state of this country, repeatedly declared our opinion, that 12,000 men are necessary for the defence of this kingdom; being sensible that it would be a violation of the trust reposed in us, should we have subjected our constituents to a very heavy expence, in times of perfect tranquillity, for the purpose of providing a force, which we are to part with in the times of danger; and being convinced, that since the time at which we first declared 12,000 men to be necessary, the probability of a war has increased, and not diminished."

"Mr. Speaker's Speech to his Excellency Simon Earl of Harcourt.

"*Lunæ, 25 Die Decembris,* 1775.

"May it please your Excellency: The conduct of the Commons, in the course of this session, has marked more strongly, if possible, than in any former period, their loyalty, duty and affection to his Majesty, and their zeal for the interest and honour

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of Great Britain. At the hazard of their own safety they have consented to part with one third of the forces deemed necessary to be maintained at all times within this kingdom for its defence, in a season when powerful reasons existed for retaining them, without putting Great-Britain to the expence of replacing them, though generously offered; and they have cheerfully granted to his Majesty a very considerable supply, in addition to all former duties, though the liberality of the last session served only to expose the weakness of their resources. This disposition in the Commons they doubt not your excellency will improve to their advantage, and they trust that through your excellency's favourable representation, it will serve to unite Great Britain and Ireland in still closer bonds of mutual affection, so necessary to the security and propriety of both. They acknowledge with gratitude your excellency's generous efforts to open to them new sources of commerce, and to remove some restraints upon the old; they see with joy a beam of light break through that dark cloud which has so long overshadowed this nation; and they are animated with the hope that the honour is reserved for your excellency's administration, of establishing this important truth, that nothing will contribute more to augment the strength and wealth of Great Britain, than the increase of both in this kingdom."

Having read these papers, he said, the message contained two propositions, by both which the parliament of Great Britain were pledged to the parliament of Ireland, if it should accept the conditions held forth by this message, to pay for the troops to be sent to America, and to replace them with 4,000 foreign Protestants; and further to induce the Irish nation to accept of this insidious bargain, she was to have 12,000 men within the kingdom, and at the same time to be relieved of a burthen of 80,000*l.* per annum. Such a proposition could only have originated in the worst designs, or must have been the effect of the most consummate folly. For what was the whole measure taken together? the minister on this or the other side of the water, no matter which, makes the King engage his royal word, that the expence shall be borne by the parliament of Great Britain; but adding folly to temerity, makes him promise, that Great Britain shall pay for 8,000 men, though if the bargain was accepted, she would actually have but 4,000 men in her service. After thus stating, in his opinion, the meaning of the words, he proceeded to shew, that they were received in this sense by the Irish parliament, though neither of the offers were received in the terms proposed, and quoted the Speaker's speech, delivered at the bar of the House of Lords, on the 25th December, 1775, in which he offers, in the name of the Commons, to send the 4,000 natives out of the kingdom, without putting Great Britain to the expence of replacing them, though generously offered. He then stated the complaint in the following words: "That the earl of Harcourt, lord lieutenant-general and general governor of Ireland, did, on the 23d of November last, in breach of the privilege and in derogation of the honour and authority of this House, send a written message to the House of Commons of the parliament of Ireland, signed with his own hand to the following effect." [Here he recited the message in p. 1129.] He moved, "That a committee be appointed to enquire into the matter of the said Complaint, and to report the same, as it shall appear to them, to the House."

Sir *George Yonge* seconded the motion.

Lord *Clare* said, the right hon. gentleman who made the motion, had been lavish of his encomiums on Ireland, but did not offer a syllable in behalf of poor Britain. Ireland retained a proper sense of freedom; she would not admit foreigners, even with the consent of parliament; her principles were sound, her manners pure; her counsels uncontaminated; while poor degenerate Britain was fallen from her former greatness, and was sunk into the lowest extreme of corruption, folly, and want of spirit; yet while he was proud to hear his country so highly extolled, he could not help lamenting that fallen Britain had not one friend to stand forth in her defence. His lordship having continued his vein of irony for a while, commented upon the two propositions. The offer of sending foreigners and of defraying the expence signified nothing; no such offer or promise was intended; it was all the idle reveries of a gentleman, whom, for the familiarity of expression, he would call by the name of Mr. Edmund Sexton Perry. He knew Mr. Perry very well, and knew him to be a good sort of a considerate, honest, sensible man; but, however sensible Mr. Perry might be, the House was not bound by his interpreta-

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tions. The hon. mover said, that Mr. Perry went to the bar of the House of Lords, and delivered a certain speech, and that the lord lieutenant acquiesced in that interpretation of the message, because he did not contradict it. Would he have lord Harcourt rise and come to Mr. Perry to the bar, and contradict him, by telling him he never meant any such thing? I dare say he would hardly be so unreasonable. I have, indeed, heard it asserted by some of my countrymen, that they spoke better English than the people of this country. It may be so, but it is the first time I ever heard it asserted, that they understand it better. I presume that Mr. Perry thought he understood the message; but I will not allow that either lord Harcourt or this House, are bound to abide by his interpretation; neither can I be persuaded that the House of Commons of Ireland are any more bound than we are by his conceptions. For what does the whole amount to? Mr. Perry, in his individual capacity, says so and so. What is that to the House of Commons? He is Speaker it is true, but what he does out of the House when he is not instructed, is no more the act of that House, than if it had been done by any other person.

Mr. *Conolly* said, that he was an Irishman as well as the noble lord, and as Ireland was to be the subject of that day, in the cocking phrase, he was ready to pit himself against him. He was not surprised that the noble lord was in such extreme good humour with ministers on both sides of the water, as his lordship and three others, who enjoyed sinecure employments, had a present made them in one day of 14,000*l.* (meaning the arrangement of the vice-treasurers, and the clerk of the pells) and lest a possibility should arise of any defalcation of their salaries, parliament was so good-humoured, while they increased the salary, to take upon themselves to provide payment out of the public purse for deputies, who were to do the duty. It was, therefore, no wonder that his lordship and his colleagues should be merry, while Ireland continued to be sad, to see the salaries of sinecure places raised, while she was mortgaging her funds, laying on new duties, and providing for deficiencies of grants. He gave a picture of Ireland; an exhausted treasury, ruined trade, starving manufacturers, accumulating pensions, new created places, state oppressions, daily executions, a ruined, mouldering army, increasing debts, castle jobs, bands of ruffians in defiance of law, and beyond the power of punishment; in short, every public evil and private mischief that ever was on earth to curse and debase mankind. He did not arise to the question simply stated, whether the message was really a breach of the privileges of the Commons of England, but principally to give an account of what passed in the Irish House of Commons, when sir John Blaquire brought the message from the lord lieutenant. That House refused the offer, upon two principles; first, because they thought the introduction of foreign troops an unconstitutional and dangerous measure; and, secondly, because it was thought that the ministry had no mind that they should have them, for sir John himself voted against them. He said, Ireland was quite defenceless, that the 12,000 nominal men were only 10,800, out of which 4,000 were to be sent away; that the White-boys were governors of all the south of Ireland, where four-fifths of the people were Catholics; that no private gentleman could be sure of his life, sitting there in his own house, for one half hour; that more troops were really wanting, instead of taking those away they had already; that men had their ears sawn off, and others were burled alive, to the disgrace of government, that could not or would not protect the people; that the peasantry were in such a state of poverty, that no revolution or change of situation could possibly be to them for the worse.

Mr. *Welbore Ellis* said, the meaning of the message had been mistaken; that taking the expressions in any light, no breach of privilege could be deduced from them. He recalled to the remembrance of the House, that in 1769, when the Irish establishment was raised from 12,000 to 15,000 men, his Majesty passed a royal personal promise to the Irish parliament, that there should never be less than 12,000 men in Ireland, except in case of actual invasion or rebellion in Great Britain. Now, the earl of Harcourt's message had reference to this promise, as the present want of troops was not within those exceptions, it certainly was his Majesty's first business to be absolved from that promise, by the parties to whom it was made: but if he had applied first to the Commons of Great Britain, it must have been for their approbation of a measure in direct breach of his promise to Ireland. He compared it to the King's proposing military establishments to the

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House; the King does the whole by his prerogative, and leaves nothing to the House of Commons but to vote the money. Is not this engaging for the consent of parliament? Yet all the world knows that the House may object to them, and consequently that they cannot be effective without their consent.

Mr. *Gordon* thought the first part of the message was agreeable to the sense now put on it by the hon. gentleman who spoke last: but the other part seemed a little obscure at first sight; yet it might be concluded, that as a measure of government, it could never be in the idea of the minister to make such an attempt, in express contradiction to the Disbanding Act of king William. It was, in his opinion, a fair inference to say, that the expression "enabled so to do," meant the previous consent of the British parliament. If he thought administration had any other intention in view, no man would be more ready to join in a vote of disapprobation and censure. He condemned the conduct of the minister, respecting the Indemnity Bill, and disapproved of introducing foreigners into the dominions of Great Britain, without the consent of parliament.

Mr. *Powys* had little doubt that the message under consideration meant more than it expressed, and was intended as an experiment to try if the Irish parliament would consent to receive foreign troops, in order to establish a precedent which might be afterwards employed to other purposes.

Viscount *Middleton* said, he had a fortune in both kingdoms, but had no predilection for either in a political light, because he looked upon their interests to be mutual; but whatever other gentlemen might think of the message, he had not a doubt but it aimed at one fixed object, that was, to habituate both countries to certain notions which must in the end reduce the parliament of each to be the mere instruments of the crown, without the least degree of will or independence whatever. It was a scheme, however deep, formed nevertheless on very simple principles, and went directly to vest in the crown the virtual power of taxing, as opportunity might serve, both Great Britain and Ireland. In Ireland the minister was taught to ask some favour; then England was to be pledged. In England again, when circumstances recurred, Ireland was to be taxed in order to maintain the supremacy of the British legislature.

Mr. *Dunning* divided the message into two parts. On the first he observed, that it contained no condition implied or expressed. It was his Majesty's intention as immediately proceeding from his own mind, declared in the most positive terms the English language is capable of conveying, to pay for the 4,000 men, if the Irish House of Commons should chuse to consent or accept of the terms. It was impossible in the nature of things, that any man possessed of any thing he could properly call his own, or binding himself to the execution of any act within his power, could promise in terms more clear, positive, or unequivocal, than those in which this part of the message was conceived. To get clear of this, he said, two modes had been adopted, both with equal bad success. One of those was a naked contradiction to the obvious sense of the words; but such an unsupported denial was abandoned in the very instant it was urged; for the noble lord (Clare) and the hon. gentleman (Mr. Ellis) who asserted at random, being conscious that it was but a random assertion, endeavoured to explain it, by saying that the affair was conducted precisely in the manner of a subsidiary treaty. This, he said, was still worse, for no argument was better than a bad one. It was well known, that the king when treating with foreigners, represented the state, which could never be the case, when treating with one part of the subjects, and engaging for another; besides the consequences, had the offer been accepted by the Irish parliament, would have established the distinction beyond all question. The troops, if the season of the year had permitted, might be now in America; the foreigners might be landed in Ireland: Great Britain was pledged; the cause in which the troops were to be employed, and the necessary arrangements by which the measure was to be brought about, is a favourite one; so that the whole business might be effected by his Majesty's bare intention, as completely without, as with the consent of the British parliament. The second part of the message, he insisted, was clear and explicit. The offer was to replace the 4,000 troops, by an equal number of foreign Protestants, "if it be the desire of parliament." Here again was clear intention, and offer expressed, with the condition annexed, that was, "if it be the desire," &c. By every rule of legal construction or common sense, if there be an undertaking accom-

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panied by a condition, if the condition be accepted by the party to whom it is proposed, the bargain is from that instant complete, and mutually binding on both parties. If, then, the proposition was a positive one, and it had been accepted, it only remained to discover whether or not it was the Commons of Great Britain, whose word was thus pledged without being consulted. This, he presumed, would require very little proof. No man would say that Hanover was to bear the burden. He could less think that any of his Majesty's new allies were to do so, however zealous they might be for chastising his rebellious subjects in America. The civil list, he suspected, was still less equal to afford so heavy a disbursement. Where, then, could the necessary means of paying so large a body of men be obtained, but from the British parliament? He understood this famous message had been disavowed by the minister, and his friends on this side of the water. He presumed the minister on the other side did not venture to do it entirely on his own judgment. This excited his curiosity to know where it originated. It would be a sufficient answer, if the minister either here or in Ireland owned it. If neither did, and the advice came from another quarter, he should be glad to know, because in such an event more particularly, it would be the duty, as it ought to be the wish of this House, to sift the matter to the bottom, in order to come at the real author or authors.

Lord *North* gave a narrative of the increase of the establishment, which took place in Ireland in 1769, and of his Majesty's promise to his Irish parliament, that 12,000 men should always remain within that kingdom, except in the event of a rebellion in this. He said, the royal promise, though binding on his Majesty, was not law, therefore sending the troops out of the kingdom, to the amount of any number, was perfectly legal. His lordship said, he would not answer the general question put to him by the last hon. gentleman; not chusing to gratify mere curiosity, at the expence of betraying the secrets of the cabinet. He avowed the having co-operated with the rest of the King's servants in giving general instructions; but would not charge his memory with having any immediate hand in drawing up the particular letter or paper, on which the present measure was supposed to be taken. He thought it was perfectly justifiable, and was willing to share in the consequences. Yet he could not see how it was fair in argument to charge administration here with specific measures taken in Ireland; nor could he conceive, either positively or by implication, that he or his colleagues were bound in any manner by what passed in another kingdom. To some allusions relative to the Hanoverians being sent to Gibraltar and Minorca, and the fate of the Indemnity Bill, he replied, he thought the measure perfectly legal, and was ready to meet his adversaries on that ground whenever they thought fit. He gave a history of the Indemnity Bill, and in a humorous way, proved that it was thrown out by a noble marquis (of Rockingham) in the other House.

Lord *John Cavendish* rose to give his attestation of the personal worth of lord Harcourt. He observed, that his lordship had been little acquainted with public business, till his late appointment; therefore, if it was his own measure, he was much the more excusable; but he believed it was not. However, if it was not, as the Irish nation had been too wise and too spirited to accept of one part of the proposal; and as ministers, whatever they might affect to the contrary, had not dared to send a single man out of Ireland, on such an authority, the matter hardly deserved the attention some gentlemen seemed willing to bestow on it. The people of Ireland had already done half the business, by refusing the offer; the ministry had in fact done the other half, from their own fear; so that on the whole, he did not desire to send the matter to a committee, but wished to come to some decisive resolution, which would condemn the whole transaction, without any particular reference or application to those who might be supposed to have first planned, or endeavoured to carry it into execution.

Lord *George Germain* contended, that whatever might have been the sense of the message, his Majesty's servants could not be supposed to be strictly answerable for its contents. He said, that lord Harcourt might have mistaken, or exceeded his instructions. But whether he did or did not, the first part of the message only proposed a matter to the consideration of the Irish parliament, clearly and legally within the constitutional exercise of the regal power. If his Majesty had not given his royal promise to keep 12,000 men within the kingdom, he might have

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ordered the whole of the troops on that establishment, to any part of the British dominions he pleased, without applying to parliament. He had heard a great deal of what passed in debate in the House of Commons of Ireland, but he could not perceive what direct relation it bore to what was now under consideration. The efficient minister, as he was called, was likewise much spoken of. Sir John Blaquiere said this, and sir John Blaquiere said that; but for his part, what sir John Blaquiere said one way or the other, was of no great consequence. He knew a sir John Blaquiere, and had been in conversation with him, but in what way what he said could be made a ground of censure on a British ministry, was more than he could reconcile to the relation they really stood in to each other; if they stood in any. He confessed the measure of paying for 8,000 men, when we were to have the service of but 4,000, was extremely uneconomical and improper; yet if 4,000 men could be had upon no better terms, and it was supposed more proper to send natives than foreigners to America, the measure on that account, and that alone, might be defended.

Lord *Irnham*. As I am just returned from Ireland, where I have attended closely to the proceedings of that parliament, it may be expected from me to say something on the present question. I shall therefore endeavour to shew the House, whether the hon. gentleman (Mr. Conolly) a member of that parliament, as well as of this, has given you a true account of the conduct of government there, relative to the matter now before you; or whether the representation of it by the gentlemen who oppose the motion ought most to be relied on. The doubt to be cleared up is, what was really the meaning of government there in the message sent to both Houses? The words of the message have been already read to you, and it has been very ingeniously, though somewhat variously explained, by the gentlemen of the Treasury-bench: but the lord lieutenant's secretary (who is always considered as the minister in the Irish House of Commons) clearly interpreted the meaning of it; which was, that the Irish parliament should consent to the introducing into that country 4,000 foreign Protestants, Hessians and Brunswickers, to be paid by Great Britain; in consideration of which, they should assure his Majesty of their readiness to spare 4,000 men of the troops on the Irish establishment for the service in America, to be likewise paid by Great Britain; and it was expatiated upon by him and all those who spoke on the side of government, how advantageous such an offer must be, which provided equally for the safety of Ireland, as if their own troops had remained in it, and would moreover bring 80,000*l*. into that kingdom. The speech was answered by addresses from both Houses, returning thanks for the offer, but refusing the introduction of the foreign troops; proving that they chose to defend their country, even in its present precarious situation, by the exertion of their own efforts, rather than adopt so unconstitutional a measure: but at the same time they consented by address, to send to America the 4,000 additional troops requested of them; both Houses understanding, however, that an Act should be passed to legalize the terms of the said address, as the crown had precluded itself by act of parliament from the power of sending more than about 3,100 men out of that kingdom, which number it had already exceeded. A Bill was accordingly brought in, wherein were inserted two clauses calculated to effect that purpose; but to the astonishment of the public, those clauses were thrown out in England: and an Act was again passed, barring the crown from the power of sending any more troops abroad than would leave 12,000 men on that establishment for the defence of Ireland, and consequently the effect of the addresses of both Houses was thereby destroyed, whilst at that very time government declared its resolution to send those 4,000 men to America, in conformity to the addresses of both Houses, and signified, that they did not consider the crown as bound by the Act to which the royal assent had just been given, to keep 12,000 men in that kingdom, under pretence of its not being in the enacting part, though in the preamble of the Act: but whoever reads it, will find that compact not only in the preamble, but also so strictly tied to that part of the Act which grants the subsidy, (being about 450,000*l*.) that if the crown is not bound thereby, above two-thirds of the concessions from the crown to the subject by act of parliament since Magna Charta, will fall to the ground, and the crown has forfeited its right to those subsidies. I remember upon this being hinted at by some members of the Irish parliament, too sanguine

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for government, the law servants of the crown (men of the greatest abilities) avoided standing on that ground. As to the present lord lieutenant, of whom many handsome things have been said by gentlemen on both sides of the House; those qualities mentioned, are, I apprehend, relative only to his private character, which, merely as such, has, I think, good ingredients in it: but we do not sit here to discuss private characters; his ministerial and public one is what we are to consider, and I will speak out—the talents and abilities of that minister of the crown, are by no means equal to his station. Two millions and a half of people is a trust of too great weight for him to sustain; and he has sufficiently avowed his incapacity to govern them, by delegating all his power to his secretary. To conclude, the measures pursuing there, being illegal, must displease the best and soundest part of his Majesty's subjects; and though for certain purposes the ministry have this day spoken very advantageously of Ireland, should they go on acting as they do, they will meet with the united efforts of that country in opposition to their attempts; and then, instead of panegyric, they will call out to this House for restraining and incapacitating bills, to punish that kingdom as they have done America. Let me therefore recommend to the noble lord now at the helm, to attend whilst it is time to that alarmed part of his Majesty's most affectionate subjects, and to forgive me if I heartily intreat him to apply his utmost care to rectify the errors of government in that kingdom. In the case now before us, the conduct of administration, relative to the message from lord Harcourt to the Irish parliament, has been unconstitutional and highly blameable. I therefore thank the right hon. gentleman for the motion, and express my hearty concurrence in it.

Mr. *Fox* observed, as the administrations of both kingdoms were totally unconnected, so was every individual who composed them. No two of the confidential servants of the crown who spoke, agreed in a single sentiment. Some allowed the message to import what was stated in the complaint; others acceded to a part, while a third was so modest as to contend, in defiance of every rule of rational and obvious construction, that the message meant the reverse of what, in the very face of it, it manifestly intended: but in this diversity of opinion, there was one thing too curious to pass unnoticed, that was the language used by two or three members of administration, which was describing the minister of the House of Commons in Ireland, and the Speaker, under the undefined terms of one Edmund Sexton Perry, and one sir John Blaquiere.

The *Attorney General* said, the motion was a party squib, not worth attending to; and that the preamble to an Irish act of parliament did not bind the parliament of Great Britain.

Governor *Johnstone* said, the ministers here threw all the blame upon the ministers in Ireland.

Lord *North* passed a great encomium on the administration of Ireland, since the appointment of the present lord lieutenant; observing, that no better proof could be given of it, than that it was attended with uncommon success.

Mr. *Conolly* observed, it was no wonder the government of that kingdom should be attended with success, when 265,000*l.* had been raised on a ruined impoverished country.—Here he was proceeding to shew how unable the Irish were to bear such a burden; and to give a detail of the pensions that had been lately granted, the places newly created, and the various means employed to influence and corrupt the representatives of the people, when he was interrupted by lord North, as applying to matters not at all relating to the subject of the present debate.

Mr. *Fox* insisted, that the matter stated by his hon. relation was perfectly within order; that it grew directly out of the subject of debate; and that if his lordship appealed to the success of administration in Ireland, as a proof of the wisdom or mildness of the government there, it was no less fair in argument, than consonant to order, to shew the true causes of this boasted success.

The question being put for a committee, the House divided:

Tellers.

YEAS	Mr. Thomas Townshend Mr. Conolly - - - -	106
NOES	Lord Stanley - - - - Sir Grey Cooper - - -	224

So it passed in the negative.

It was also moved, 1. "That the votes of the House of Commons of Ireland, of the 23d, 28th, and 29th November, and the 25th December last, be delivered in at the table and read. 2. That it is highly derogatory to the honour, and a violent breach of the privileges, of this House,

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and a dangerous infringement of the constitution, for any person whatever to presume to pledge his Majesty's royal word to the House of Commons of the parliament of Ireland, 'That any part of the 'troops upon the establishment of that 'kingdom shall, upon being sent out of 'that kingdom, become a charge upon 'Great Britain,' without the consent of this House; or for any person to presume to offer to the House of Commons of the parliament of Ireland, without the consent of this House, 'That such national troops, 'so sent out of Ireland, shall be replaced 'by foreign troops, at the expence of 'Great Britain:'" which were negatived.

Debate in the Commons on Mr. Fox's Motion for an Enquiry into the Causes of the ill Success of the British Arms in North America.] Feb. 20. Mr. *Fox* said, he should not trespass on the patience and good sense of the House, by recapitulating the cause of the present unhappy disputes with America. He should not develope that system, whence the measures now carrying on were supposed to originate. He should forbear to animadvert upon a system, that in its principles, complexion, and every constituent part, gave the fullest and most unequivocal proofs that its ultimate design was the total destruction of the constitution of this free form of government. These were assertions that might be disputed. People who had, or perhaps had not, the best opinion of the abilities of those in power, might have a confidence that they intended nothing ill. Others, though they disapproved of their general conduct, might either think them the dupes of their secret supporters; and even such as thought the most indifferently of them would be disposed to look upon them rather as tools, than arraign them as principals in so unnatural and horrid a conspiracy against the liberties of their country. But what might be the secret designs of a junto, or the venal alacrity of the despicable cyphers they employed to effect their traitorous purposes, was, he said, to be no part of the subject of enquiry this day. He did not mean to teaze or insult the House with idle surmises, with floating vague suspicions, leading to partial deductions or speculative charges conceived and spun out of his own brain; but wished to draw their attention to certain well known, indisputable, uncontrovertible facts. His proposed enquiry would not be directed to ascertain the rights of Great Britain, or the subordinate claims of America, to explain the constitutional connection between taxation and representation; what was rebellion, or what legal resistance; whether all America ought to have been punished and proscribed for the intemperate zeal or disobedience of a Boston mob. He did not even mean to dispute or controvert the expediency; nor in short, a single ministerial ground, on which the present measures respecting America were taken up, pursued, and defended. Those were all, for this day at least, to be absolutely laid aside. For argument sake he would allow, that administration had acted perfectly right; but while he granted this, he would take up the matter from the very instant administration had agreed upon a plan of coercion. This æra he fixed at the time the minister first proposed certain Resolutions to the House in February 1774, as a ground of complaint, and followed it with the famous Boston Port Bill. He then entered into an historical detail of the means employed to carry this plan of coercion into effect, in which he painted in the strongest colours, and held to view in the most striking lights, such a scene of folly in the cabinet, servile acquiescence in parliament, and misconduct and ignorance in office and the field, as never before, he said, disgraced this nation, or indeed any other. He added, that our ministers wanted both wisdom and integrity, our parliaments public spirit and discernment; and that our commanders by sea and land, were either deficient in abilities, or, which was the most probable, had acted under orders that prevented them from executing the great objects of their command. No man could say but there had been mismanagement and misconduct somewhere. It was the chief object of his intended motion, to gain that species of information, which might be the means of discovering the true causes of both. Public justice demanded such an enquiry. The individuals on whom the obloquy rested, were entitled to be heard in their own defence. To withhold the information necessary to their justification, would be an insult to the nation, as well as an act of private injustice. None but the guilty could wish to evade it. No man as a soldier or sailor, be his rank ever so high, was sure of his honour a single minute, if he was to be buried under public disgrace, in order to shield, protect, or palliate the blunders and incapacity of others. If the

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ministers had planned with wisdom, and proportioned the force to the service; if the great officers in the several efficient departments, had done all that depended on them, ably and faithfully, then it was plain, that the whole of the miscarriages that had happened might be deservedly imputed to our naval and military commanders. If, on the other hand, the latter acquitted themselves according to their instructions, and carried on their operations in proportion to the force, it was no less plain, that the cause of all the disgraces the British arms had suffered, arose from ignorance in those who planned, and incapacity and want of integrity in those to whom the carrying them into execution was in the first instance entrusted. He then recapitulated a variety of circumstances to prove his general allegations, and entered into the conduct of administration respecting Canada, and repeated several arguments used at the time of passing the Quebec Act, predicting what has since literally happened. He concluded by making the following motion: "That it be referred to a Committee, to enquire into the Causes of the ill Success of his Majesty's Arms in North America, as also into the Causes of the Defection of the people of the province of Quebec."

Lord *Ossory* seconded the motion, and said, he could not perceive how any member, who was unconnected with the ministry, and at the same time wished success to the American war, could be against it.

Lord *Clare* quoted the speech from the throne. He insisted, that it was orthodox and ought not to be questioned, particularly as nothing material had since happened, which could induce the House to alter its opinion. He insisted that the measure respecting the Hanover troops, was perfectly justifiable, and that the plea of necessity was never better founded than on that occasion. His lordship moved the previous question.

Mr. *T. Townshend* said, that the present motion would be a test of what might hereafter be expected from ministers; for if they opposed it, it would fairly prove, that in smothering the enquiry, they intended to cover themselves from public disgrace, by a vote of that House.

Lord *Mulgrave* defended the naval operations. He contended, that the war was just and constitutional; that it was well conducted, and predicted that it would be happily and gloriously terminated.

Mr. *Fitzpatrick* replied to his lordship, and remarked, though every thing he said were well founded, the conclusions he drew by no means followed. He insisted, that the whole of the American business, from the very beginning, had been planned in absurdity, accompanied by negligence, and executed in a manner which evidenced the very excess of ignorance, incapacity, and misconduct. That the House were called upon by the whole nation, and in vindication of their own honour, to exact an account from the servants of the crown, of the causes of the mismanagement of the American war, and to bring the authors to condign punishment, or at least to dismiss them, as unworthy of discharging the important trusts delegated to them.

Sir *Gilbert Elliot* said, that the troubles now subsisting in America are of a much longer standing, though they had not assumed the present form, than the hon. gentlemen supposed, for they commenced ten years ago. He insisted, that if such an enquiry were at all proper, this was not the time. Several persons who would be the subject of it, as well as those whom it would be proper to examine, were at present on their stations in America; and others not employed are not yet returned home. Taking it either way then, if no enquiry ought to be gone into, there was an end of the motion. If there ought to be an enquiry, the present motion was premature, neither the parties charged, nor those that could properly give the necessary information, being on the spot.

Mr. *Dempster* was sorry to see such a disposition in administration to stifle all enquiry. It looked as if they wanted to conceal something they were both afraid and ashamed should be brought to light. He, therefore, if ministry were not determined to confirm all the suspicions that had been entertained of them, thought it was their interest, as it was their duty, to do all in their power to exculpate themselves, for he could assure them, however sure they might be of a majority, some of their best friends began to doubt the truth of their assurances, and the possibility of carrying their plans into execution. He then took a short view of the Quebec Bill, and concluded by solemnly averring, that in his opinion, no Turkish emperor ever sent a more arbitrary and oppressive mandate, by a favourite bashaw, to a distant province, than that Bill was, with the instructions to the governor, which accompanied it.

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Mr. *Welbore Ellis* said, that gentle moderate measures were unhappily pursued, when the situation of America called for the most strong and decisive. Thank God, said he, this mistaken system is now at an end: a powerful fleet and army are now going out, and I have not the slightest doubt that they will be sufficient to crush the rebellious Americans, and bring them back to a proper sense of their duty.

Mr. *Adam* said there had been shameful neglect somewhere; and for that reason, he should be willing to go into the enquiry and trace it to its source. That either we knew America was preparing, and failed to make the necessary preparations, or were guilty of criminal negligence, in not procuring proper information. This he instanced in the want of convoys for the transports which sailed early in the autumn.

Mr. *Hey*, chief justice of Quebec, went into a defence of the Quebec Bill; gave an historical account of the place and people, their manners, customs, and disposition; said he knew them well, as he had lived among them for upwards of 7 years; and by all he could learn, the people of Canada never wished nor expected that the parliament should controul or superintend the King's government of that country. He then made an encomium on general Carleton; who, he said, had not been properly supported from hence.

Governor *Johnstone* observed, that some gentlemen had insisted, if an enquiry was at all proper, it would be at the end of a war, not the beginning; for his part, he was of opinion the earlier the better; nay, indeed, the first moment the situation of affairs called for it; and he could not avoid being for it, though no other motive operated on him but the extreme reluctance shewn by several gentlemen; for where there was no guilt or conscious incapacity, no fears could arise. He said, if no enquiries had been set on foot, both in the beginning and middle of wars, probably the two last would not have ended so successfully. This he showed in the instances of Lestock, Matthews, Byng, &c. It was true, ministers always trembled at enquiries, they were usually fatal to their power; so it happened at both the periods alluded to, and that was another reason why he was for the motion; for he was sure the present ministry were as unequal to the task of making war, as they were incapable of procuring good terms of peace or conciliation; the undertaking was too ponderous and unwieldy for them. He mentioned lord North's attempt to negociate with the American congress, and the contempt with which his offer was treated; stating the fact from the Journal of the Congress, published by their own authority.

Lord *North* disavowed it; and declared he had never, directly nor indirectly, communicated any letter or paper to the Congress. He admitted the paper published in the Journal of the Congress, contained his sentiments, but that was all.

General *Burgoyne* defended the operations of war in America.

Mr. *Cruger*. The hon. gentleman who opened this debate, has spoken so fully and eloquently to every part of the question, that any thing farther in support of this motion may appear unnecessary. But, Sir, when a subject of so much importance is before the House, it behoves every man to lay aside the reserve of diffidence, and express his sentiments with freedom and candour. If there is any point in which the different interests of this House should unite, it must be in a conviction of the necessity and expediency of enquiring into the causes of the present alarming state of public affairs. By discovering what has proved ruinous in the past, we may learn at least to avoid the same pernicious steps for the future. If their measures have been conducted with justice and prudence, it is a duty which administration owe to their characters, to disarm, by a free examination, that censure on their conduct which may possibly arise from ignorance. But if they love darkness rather than light, "because their deeds are evil," it becomes the guardians of the nation to drag their miscarriages into open day, and expose them, with all their deformities, to public investigation.

If such an enquiry was ever necessary, the present time demands it. If we look to the past, one uniform train of disappointments and misfortunes crowd the view: if to the future, a gloomy prospect of increasing miseries, from a continuance of the same left-handed policy and ill-projected measures. We are involved in a war, in which success itself will be ruinous. The colonies, as if animated with one soul, are determined to perish or be free, We are told they must be subdued. We shall soon be called upon to make new exertions by force. Every thing wears the face of hostile preparations; and, as if disappointment could create confidence, we are urged to pursue

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the same fatal measures, by arguments drawn from their miscarriage: nothing, it is now said, will satisfy America but independence; that the people of that country have almost universally taken up arms; they act not only on the defensive, but have endeavoured to deprive you of all Canada; an enquiry, they say, would produce a fatal procrastination; the urgency and necessity of the case demand and justify immediate vigour and execution. These must be pursued, or the government of the colonies surrendered to an ambitious congress.

Such are the reasons advanced to preclude enquiry, and to procure a hasty acquiescence in schemes of policy, on which the fate of the empire so materially depends. By such arguments as these our jealousy is excited, and our resentment inflamed against a people, who, after the most earnest endeavours to preserve their liberties from invasion by petition and remonstrance; after having repeatedly submitted their complaints, without effect, to the justice of parliament, and laid them humbly at the foot of the throne; after beholding the most formidable preparations to divest them of their rights by the sword; after finding hostilities already commenced and fresh violences threatened, have taken up arms in their own defence, and endeavoured to repel destructive force by force.

The complexion and character of their present opposition (whether unjust or honourable) rests not on their present measures, but arises from, and must be weighed by, the causes, which have made such a conduct and such measures necessary. A free and impartial enquiry, therefore, into the leading and primary causes, is indispensably necessary to a just decision of the case. If their claims of exemption from parliamentary taxation are founded in equity and the principles of the constitution; if they have been driven by a wanton, cruel, and impolitic attack on their privileges to their present desperate defence; then, the whole guilt and censure is chargeable on those, and those alone, whose ambition and ill-directed measures have forced them to these extremities. Thus, also, if a form of government is introduced into Canada, breathing little of the spirit of English liberty, and intending to link the Canadians to the chain of ministerial influence; if they scrupled not to make a religion, which has so often deluged Europe with blood, an engine of their despotism to crush the Protestant colonies; if every artifice was used to seduce and employ a servile, bigoted people to subvert the liberties of America, can we wonder, can we complain, if the colonists wisely diverted the storm, and secured a country to their own alliance, the strength and arms of which were avowedly to be directed to their destruction?

When what was dearer to them than their lives—their liberties, were at stake; when their opposition to government reached no higher than petition and resolves, then they were stigmatized with want of courage. Every method was taken to irritate them. Insults on their character as a people were added to encroachments on their rights as citizens. The pencil of confident oppression described them as a herd of pusillanimous wretches, whom the appearance of martial array would terrify into submission. How unjust, how impolitic, to reduce men to the miserable alternative of being branded with the epithet of cowards, or of taking up arms to vindicate their injured honour and liberties; first to compel them to resistance, and then derive arguments of their guilt from their vigour, courage, and success. How contemptible the cause which pleads the misfortunes it has occasioned, as reasons for its support!

The arguments of administration, stripped of their false colourings, with all humility, I conceive to be these: "We have plunged Great Britain into a most expensive and ruinous contest with her colonies; we have opened the door for endless animosities, by reviving disputed questions and claims which shake the foundation of empire. The measures we have pursued have increased the storm, and multiplied the common misfortunes. We have joined all America in a firm league against you. Your trade has been impaired; your ships insulted and taken. We have lost for you every place of strength or importance in the colonies; and have left you an army broken by sickness, fatigue, and want, and now perishing under all the mortifications, ignominy, and miseries of an inglorious imprisonment. These are our pleas for support; these are the recommendations of our councils. We lay before you the miscarriages and evils which our past measures have produced, to persuade you to place new confidence in our wisdom, and to give more liberal aid to our judicious schemes for the future."

These, however, are not the only blush-

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ing honours which deck the temples of administration. They have lately displayed the happy art of drawing arguments in their favour, from the misfortunes of their friends, as well as from the success of their enemies, and prove that they are as incapable of gratitude as of justice. When gentlemen in this House (influenced by motives of humanity) recommended an exception of the friends of government in the colonies from the rigours of the late Prohibitory Bill, administration suddenly changed its voice; and they who just before had boasted that a majority of the Americans were friendly to their cause, and only waited an opportunity to declare it with safety, now pronounced, that no distinction could be made, for that they had preserved at best "a shameful neutrality," and deserved to be subject to the common calamity of their country. This was the liberal reward bestowed on men who espoused their cause from principle, and maintained it undaunted and unsupported, through obloquy, and the most imminent danger to their fortunes, families, and lives.

I will not at present trespass on the patience of the House, by entering into particulars, but I cannot forbear saying, the friends of peace and good order in the province of New-York, did not deserve to be reproached with a shameful neutrality; they stood forth, and opposed, as long as they were able, the increasing current of tumult and disorder, and exposed themselves, by their endeavours to preserve their colonial constitution, to the resentment and vengeance of their incensed neighbours. In a dutiful manner they submitted their grievances to the clemency of this House, and the justice of their sovereign. I need not insist on the consequence. I shall not dwell on the contempt with which their zealous advances to a reconciliation were rejected. But I must desire all those who declaim on their ignominious neutrality, to remember, that administration not only neglected to aid them with a force sufficient to maintain their opposition against the zealots in their own province, and the united powers of the adjacent colonies, but withdrew to Boston the few troops under the command of general Haldimand, which might have assisted in preserving order, and the freedom and impartiality of public proceedings. By such means the colony was laid open to incursions; many were obliged to secure their persons from danger, by forsaking their friends and country, and leaving their property at the discretion of their enemies, whilst a greater number waited, with silent patience, under every affliction, for the vigorous protection of Great Britain.

Their zealous and firm adherence to their principles, crown them with honour; that they have not been successful, that they were borne down by the superior force of their opponents, that they are left to share in the common distress and common punishments of their unfortunate countrymen, beams no lustre, however, on the characters of those by whom they were neglected, betrayed, and sacrificed. By this impolicy, the command and management of the key and main spring of America, has been lost to this country; a speedy and effectual security of which, might have saved us from the present gloomy prospect of intestine carnage and accumulating misery. Surely, the representative body of the nation are bound in duty to their constituents, to examine the reasons of such neglect and misconduct; and they in particular, who are the asserters of parliamentary supremacy, are concerned to enquire why so effectual a method of weakening the opposition in America, and supporting their own adherents, has been totally omitted. But there is no necessity of dwelling on this circumstance, to prove the obligations this country is under to ministers; disappointment and disgrace have marked all their measures, and, as if miracles had been wrought to strike conviction on this House, they have not once even blundered into success. It may therefore, reasonably be hoped, that before we blindly follow any farther, we may not only contemplate our present situation, and the ground we have already passed, but pay particular attention to that which lies before us.

Admitting however, Sir, that a force sufficient to subdue them can be sent out; admitting that this country will patiently bear the enormous weight of accumulated taxes, which so distant and unequal a war will require; admitting that foreign powers will neglect so favourable an opportunity of distressing their rivals; admitting that your fleets, unopposed, level with the ground those cities which rose by your protection, were the pillars of your commerce, and your nation's boast; admitting that foreign mercenaries spread desolation, that thousands fall before them, and that, humbled under the combined woes

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of poverty, anarchy, want and defeat, the exhausted colonies fall suppliant at the feet of your conquerors; admitting all this will be the case, (which cannot well be expected from the past) here necessarily follows a most momentous question: What are the solid advantages which Great-Britain is to receive in exchange for the blessings of peace and a lucrative commerce? for the affections, for the prosperity, for the lives of so many of its useful subjects sacrificed? Will the bare acknowledgment of a right in parliament to tax them, compensate for the millions expended, the danger incurred, the miseries entailed, the destruction of human happiness and life that must ensue from a war with our colonies, united as they are in one common cause, and fired to desperate enthusiasm by apprehensions of impending slavery? Or can we be so absurd as to imagine concessions extorted in a time of danger and urgent misery, will form a bond of lasting union? Impoverished and undone by their exertions and the calamities of war, instead of being able to repay the expences of this country, or supply a revenue, they will stand in need of your earliest assistance to revive depressed and almost extinguished commerce, as well as to renew and uphold their necessary civil establishments.

I am well aware, that it is said we must maintain the dignity of parliament. Let me ask, what dignity is that which will not descend to make millions happy, which will sacrifice the treasures and best blood of the nation to extort submissions, fruitless submissions, that will be disavowed and disregarded the moment the procuring oppressive force is removed? What dignity is that which, to enforce a disputed mode of obtaining a revenue, will destroy commerce, spread poverty and desolation, and dry up every source from which revenue or any real substantial benefit can be expected? Is it not high time then, to examine the full extent of our danger, to pause and mark the paths which have deceived us, and the wretched, bewildered guides, who have led us into our present difficulties? Let us find the destroying angel, and stop his course, while we have yet any thing valuable to preserve. The breach is not yet irreparable; and permit me, with all deference to say, I have not a doubt, but that liberal and explicit terms of reconciliation, with a full and firm security against an oppressive exercise of parliamentary taxation, if held out to the colonies before the war takes a wider and more destructive course, will lead instantly to a settlement, and recall the former years of peace, when the affections and interests of Great-Britain and America were one. But, if, on the contrary, we are to plunge deeper in this scene of blood; if we are to sacrifice the means and materials of revenue for idle distinctions about modes of raising it; if the laurels we can gain, and the dignity of parliament we are to establish, can be purchased only by the miseries of fellow-subjects, whose losses are our own; if the event is precarious, the cause alien to the spirit and humanity of Englishmen; if the injury is certain, and the object of success unsubstantial and insecure, how little soever the influence my poor opinion may have on this House, I shall free my conscience, by having explicitly condemned all such unprofitable, inadequate, injudicious measures, and by giving my hearty concurrence to the motion.

Mr. *Burke* shewed from the records of parliament and from history, that nothing was more frequent than enquiries of the kind now proposed; and observed, at no time within the course of his reading, did he ever recollect a period at which such a proceeding was more absolutely necessary than the present.

Mr. *Graves* wished to wait for the event of another campaign before the House should go into an enquiry; and as for what had already passed, justice required that the parties should be in a situation to answer for themselves.

The *Solicitor General* defended administration throughout, not only what they had already done, but every action of theirs, and every consequence arising from their conduct. He insisted that the war was just and expedient, that the ministers abounded in wisdom, and the army and navy in military prowess.

Colonel *Barré* was extremely severe on several of the positions laid down by the last hon. gentleman; he compared him to the Abbé Polignac, whom he described as a pert, affected, little, political prater; with some personal allusions to the talents, manner, and disposition of the man, which created some mirth. But in a serious manner he charged the gentlemen opposite to him with the loss of America. With an emphasis he said, Give us back our colonies! You have lost America! It is your ignorance, blunders, cowardice, which have lost America. He had heard

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the noble lord (George Germain) called "the Pitt of the day." He saw no great sense in the words. They conveyed to him that there had been a Mr. Pitt, a great man, but he did not see how the noble lord was like him. He said, that the troops, from an aversion to the service, misbehaved at Bunker's-hill on the 17th of June. He condemned administration in the strongest terms, and told them, that their shiftings and evasions would not protect them, though they should be changed every day, and made to shift places at the pleasure, and sometimes too for the sport of their secret directors. He observed, that the late appointment of a new secretary of state, was a proof that some weak, and perhaps foul proceedings had happened, which made such an arrangement necessary; but though changes might happen every day, he was well convinced measures never would, till the whole fabric of despotism fell at once, and buried in its ruins the architects, with all those employed under them. He reminded the House how often, in the course of the two last years, he had foretold almost every matter that has happened. He begged once more to assure them, that America would never submit to be taxed, though half Germany were to be transported beyond the Atlantic, to effect it.

General *Burgoyne* rose with warmth, and contradicted the last hon. member in the flattest manner. He allowed that the troops gave way a little at one time, because they were flanked by the fire out of the houses, &c. at Charles-Town; but they soon rallied and advanced; and no men on earth ever behaved with more spirit, firmness, and perseverance, till they forced the enemy out of their entrenchments.

Lord *Howe* said it was impossible to go into the proposed enquiry with propriety, though the House were ever so well inclined. He defended the conduct of the commanding officers, and said that the whole of what had happened last year, proceeded from our not being acquainted with the designs of the provincials.

Lord *North* declared he had no objection to an enquiry at a proper season; but this was not the time. As America had changed, so had Britain, in consequence of that change. The question was now totally altered, and what in one situation would have been acting a wise part, would now be supineness, negligence, or something worse. It was therefore a very unfair way of arguing, to state objections against the conduct of administration in the early stages of this business, which were only applicable to a state of hostility and open rebellion; the ground was changed, so would the measures of course. He appealed to the candour and recollection of the House, if any thing had been done in a corner, but openly, and according to their repeated judgment. As to the measures which had been taken before he came into office, he was not answerable for them, but was ready to stand the most rigid enquiry and examination into his own conduct. If miscarriages had happened, it was no more than what was common. It was impossible to foresee all the consequences, or to provide against every accident which might arise. He protested he did not seek for his office, and was at any time ready and willing to resign it, whenever a person more capable or fonder of power, was found to succeed him. He observed, that an hon. gentleman, early in the debate, had charged administration with wickedness, ignorance, and neglect. He was certain he was mistaken in the first, and the two others yet remained to be proved.

Mr. *Fox* replied to the arguments urged against his motion.

Then the previous question being put, That the said first proposed question be now put; the House divided.

Tellers.

YEAS	Mr. Fox Sir James Lowther	104
NOES	Lord Mulgrave Mr. Charles Townshend	240

So it passed in the negative.

COPIES OF THE TREATIES BETWEEN GREAT BRITAIN AND THE DUKE OF BRUNSWICK, THE LANDGRAVE OF HESSE CASSEL, AND THE COUNT OF HANAU, FOR THE HIRE OF TROOPS.] Lord North presented the following Treaties to the House:

Translation of a TREATY between his Majesty and the Reigning Duke of Brunswick. Signed at Brunswick, the 9th of January, 1776.

Be it known unto all whom it does or may concern, That his Majesty the king of Great Britain, having judged proper to propose to his most serene highness the duke of Brunswick and Lunenburgh, the cession of a body of his troops, to be em-

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ployed in the service of Great Britain, and his most serene highness having yielded with zeal and readiness to his Majesty's views, the high contracting parties have given orders for this purpose to their respective ministers, that is to say, his Britannic Majesty to colonel William Faucitt, captain of the Guards, and the most serene duke of Brunswick and Lunenburgh to the privy counsellor de Feronce, who, after the exchange of their full powers have agreed upon the following Articles:

ART. I. The most serene duke of Brunswick yields to his Britannic Majesty a corps of infantry of his troops, which corps shall be entirely at the disposition of the King, as well in Europe as in America.

ART. II. His most serene highness also yields to his Britannic Majesty a body of light cavalry of 336 men, but as his Britannic Majesty will not have occasion for the horses of this corps, the said corps shall serve as a corps of infantry; and if the service requires them to be mounted, his Majesty engages to do it at his own expence.

ART. III. The most serene duke engages to equip completely both these corps, except the horses for the light cavalry; his most serene highness will keep in readiness for marching, towards the 15th of February next at farthest, the first division of this corps, consisting of 2,282 men, in such manner that this first division shall arrive, towards the 25th of February, at the place of embarkation to be agreed upon between the respective ministers: as to the second division of the said body of troops, amounting to 2,018 men, his most serene highness will cause them to begin their march in the last week of the month of March at farthest. These two corps shall pass in review, at the place of their embarkation, before his Britannic Majesty's commissary; and, in order to prevent desertion in their march, his Britannic Majesty will cause the most precise orders to be given in his electoral dominions, that all necessary measures be taken to stop every deserter from this body of troops, and to convey them without delay to the place of embarkation, there to join their regiments. His Britannic Majesty will cause directions to be given to the governors or commandants of places, bailiffs, and others, to execute these orders with the same exactness as is observed with regard to his Majesty's electoral troops.

ART. IV. This body of infantry and of light cavalry shall be composed of five regiments and of two battalions, according to the lists annexed to the present Treaty. The officers' servants on the said lists shall be furnished with arms and every necessary equipment as soldiers; they shall do service like them, if occasion requires it, and shall be paid as such.

ART. V. The most serene duke engages to furnish the recruits that may be annually necessary for this corps. These recruits shall be delivered, after a previous notice of four months, to his Britannic Majesty's commissary, disciplined and equipped. The said recruits shall arrive at the place of their embarkation at the time that shall be agreed upon before the opening of each campaign.

ART. VI. The King's service and the preservation of the troops requiring equally that the commanding officers and subalterns should be expert persons, his most serene highness will take proper care in the choice of them.

ART. VII. The most serene duke engages to put this corps on the best footing possible; and none shall be admitted into it but persons proper for campaign service, and acknowledged as such by his Britannic Majesty's commissary.

ART. VIII. This corps shall be furnished with tents and all necessary equipage.

ART. IX. The King grants to this corps the ordinary and extraordinary pay, as well as all advantages in forage, provision, &c. &c. enjoyed by the royal troops: and the most serene duke engages to let this corps enjoy all the emoluments of pay that his Britannic Majesty allows them. The sick and wounded of the said corps shall be taken care of in the hospitals, and at the expence of the King, as the troops of his Britannic Majesty. The wounded not in a condition to serve, shall be transported into Europe at the expence of the King, and landed in a port on the Elbe or the Weser. As to what regards the body of light cavalry, they shall be put on the foot of the British light cavalry, when they are dismounted; but they shall have the same pay, as well ordinary as extraordinary, as the light horse of his Majesty, from the day that they shall serve on horseback.

ART. X. There shall be paid to his most serene highness, under the title of levy money, for each foot soldier or trooper not mounted, 30 crowns Banco,

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the crown reckoned at 53 sols Holland, and reckoned at 4*s.* 9¾*d.* One third of this levy money shall be paid a month after the signature of the Treaty, and the two other thirds shall be paid two months after the signature. The payment of this levy money shall be made nevertheless on condition that 30 crowns Banco shall be retained for each soldier of the said corps, who, without cause of sickness, shall be absent on the day when they pass in review before his Britannic Majesty's commissary, which 30 crowns Banco shall however be paid as soon as the absent soldiers shall join their respective corps.

ART. XI. According to custom, three wounded men shall be reckoned as one killed. A man killed shall be paid for at the rate of levy money. If it shall happen that any of the regiments, battalions, or companies of this corps should suffer a loss altogether extraordinary, either in a battle, a siege, or by an uncommon contagious malady, or by the loss of any transport vessel in the voyage to America, his Britannic Majesty will make good, in the most equitable manner, the loss of the officer or soldier, and will be at the expence of the necessary recruits to re-establish the corps that shall have suffered this extraordinary loss.

ART. XII. The most serene duke reserves to himself the nomination to the vacant employments, as also the administration of justice. Moreover his Britannic Majesty will cause orders to be given to the commander of the army in which this corps shall serve, not to exact of this corps any extraordinary services, or such as are beyond their proportion with the rest of the army. This corps shall take the oath of fidelity to his Britannic Majesty, without prejudice to the oath which they have taken to their sovereign.

ART. XIII. Towards defraying the extraordinary expences the hasty equipment of this body of troops occasions, his Britannic Majesty grants two months pay previous to the march of the said troops. And from the time the troops shall have quitted their quarters, in order to repair to the place of their destination, all the expences of their march and transport shall be at the charge of his Britannic Majesty.

ART. XIV. His Britannic Majesty grants to his most serene highness an annual subsidy, which shall be regulated in the following manner; it shall commence from the day of the signature of the present Treaty, and shall be single, that is to say, of the amount of 64,500 German crowns, as long as these troops shall enjoy the pay. From the time the pay shall cease, the subsidy shall be double, that is to say, of 129,000 German crowns. This double subsidy shall be continued during two years after the return of the said troops into his most serene highness's dominions.

ART. XV. This Treaty shall be ratified by the high contracting parties; and the ratifications thereof shall be exchanged as soon as possible.

Thus concluded and signed by the minister plenipotentiary of his Majesty the king of Great Britain on one part, and by the minister plenipotentiary of his most serene highness the duke of Brunswick and Lunenburgh on the other part.

Done at Brunswick, this 9th January, 1776.

WILLIAM FAUCITT. (L. S.) J. B. DE FERONCE. (L. S.)

Translation of a TREATY between his Majesty and the Landgrave of Hesse Cassel. Signed at Cassel, the 15th January, 1776.

His Britannic Majesty, being desirous of employing in his service a body of 12,000 men, of the troops of his most serene highness the reigning landgrave of Hesse Cassel; and that prince, full of attachment for his Majesty, desiring nothing more than to give him proofs of it, his Majesty, in order to settle the objects relative to this alliance, has thought proper to send to Cassel the sieur William Faucitt, his minister plenipotentiary and colonel in his service, and his most serene highness has named, on his part, for the same purpose, the baron Martin Erneste de Schlieffen, his minister of state, lieutenant general and knight of his orders, who, being furnished with requisite full powers, have agreed, that the Treaties formerly concluded between Great Britain and Hesse shall be made the basis of the present Treaty, and to adopt as much of them as shall be applicable to the present circumstances, or to determine by new articles such points as must be settled otherwise; every thing that shall not be differently regulated, shall be deemed to subsist in full force, as it shall appear to be declared in the above-mentioned Treaties; and as it is not possible to specify each particular case, every thing that shall not be found regulated in a precise man-

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ner, neither in the present Treaty, nor in the former Treaties, ought to be settled with equity and good faith, conformably to the same principles which were agreed on each part to be pursued for regulating all such cases, whether during or after the last war.

I. There shall be therefore, by virtue of this Treaty, between his Majesty the king of Great Britain and his most serene highness the landgrave of Hesse Cassel, their successors, and heirs, a strict friendship, and a sincere firm and constant union, insomuch that the one shall consider the interests of the other as his own, and shall apply himself with good faith, to advance them to the utmost, and to prevent and avert mutually all trouble and loss.

II. To this end it is agreed, that all former Treaties, principally of guaranty, be deemed to be renewed and confirmed by the present Treaty, in all their points, articles and clauses, and shall be of the same force as if they were herein inserted word for word, so far as is not derogated from them by the present Treaty.

III. This body of 12,000 men of the troops of Hesse, which is to be employed in his Britannic Majesty's service, shall consist of four battalions of grenadiers, of four companies each, fifteen battalions of infantry, of five companies each, and two companies of chasseurs, the whole provided with general and other necessary officers. This corps shall be completely equipped and provided with tents and all accoutrements, of which it may stand in need; in a word, shall be put on the best footing possible, and none shall be admitted into it but men fit for service, and acknowledged for such by his Britannic Majesty's commissary. Formerly the signature of the Treaties has usually preceded, by some time, the requisition for the march of the troops, but, as in the present circumstances, there is no time to be lost, the day of the signature of the present Treaty is deemed also to be the term of the requisition, and three battalions of grenadiers, six battalions of infantry, with one company of chasseurs, shall be in a condition to pass in review before his Britannic Majesty's commissary on the 14th of February, and shall begin to march on the day following, the 15th of February, for the place of embarkation. The rest shall be ready in four weeks after, if possible, and march in like manner. This body of troops shall not be separated, unless reasons of war require it, but shall remain under the orders of the general, to whom his most serene highness has entrusted the command; and the second division shall be conducted to the same places only, where the first shall actually be, if not contrary to the plan of operations.

IV. Each battalion of this body of troops shall be provided with two pieces of field artillery, with the officers, gunners, and other persons, and the train thereunto belonging, if his Majesty is desirous of it.

V. Towards defraying the expences, in which the most serene landgrave shall be engaged, for the arming and putting in condition the said corps of 12,000 men, his Majesty, the king of Great Britain, promises to pay to his serene highness for each foot soldier 30 crowns Banco, levy money, as well for the infantry as for the chasseurs, or artillery, if there should be any, the sum total of which shall be ascertained, according to the number of men composing this corps, and as they have been reckoned in former alliances. The sum of 180,000 crowns Banco, valued as in the following Article, shall be paid on account of this levy money, on the 10th of February, and the residue shall be paid when the second division of this corps shall begin their march.

VI. In all the former Treaties a certain number of years is stipulated for their duration; but, in the present, his Britannic Majesty, choosing rather not to engage himself for any longer time than he shall have occasion for these troops, consents, instead thereof, that the subsidy shall be double, from the day of the signature of this Treaty to its expiration; that is to say, that it shall amount for this body of 12,000 men to the sum of 450,000 crowns Banco per annum, the crown reckoned at 53 sols of Holland, or at 4*s*. 9¾*d*. English money, and that the subsidy shall continue upon this foot during all the time that this body of troops shall remain in British pay. His Britannic Majesty engages also to give notice to the most serene landgrave of its determination, 12 months, or a whole year, before it shall take place, which notice shall not even be given before this body of troops is returned, and actually arrived in the dominions of the said prince, namely, in Hesse, properly so called: his Majesty shall continue equally to this corps the pay and other emoluments for the remainder of the month in which it shall repass the frontiers of Hesse, and his most serene high-

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ness reserves to himself, on his side, the liberty of recalling his troops at the end of four years, if they are not sent back before, or to agree with his Britannic Majesty at the end of that time for another term.

VII. With regard to the pay and treatment, as well ordinary as extraordinary, of the said troops, they shall be put on the same foot in all respects with the national British troops, and his Majesty's department of war shall deliver, without delay, to that of his most serene highness, an exact and faithful state of the pay and treatment enjoyed by those troops; which pay and treatment, in consideration that his most serene highness could not put this corps in a condition to march in so short a time, without extraordinary expences, shall commence for the first division on the 1st day of February, and for the second seven days before it shall begin to march, and shall be paid into the military chest of Hesse, without any abatement or deduction, to be distributed according to the arrangements which shall be made for that purpose; and the sum of 20,000*l.* sterling shall be advanced immediately on account of the said pay.

VIII. If it should happen, unfortunately, that any regiment or company of the said corps, should be ruined or destroyed, either by accidents on the sea, or otherwise, in the whole, or in part, or that the pieces of artillery, or other effects, with which they shall be provided, should be taken by the enemy, or lost on the sea, his Majesty, the king of Great Britain, shall cause to be paid the expences of the necessary recruits, as well as the price of the said field pieces and effects, in order forthwith to reinstate the artillery, and the said regiments or companies; and the said recruits shall be settled likewise on the foot of those which were furnished to the Hessian officers, by virtue of the Treaty of 1702, Article 5th, to the end that the corps may be always preserved and sent back in as good a state as it was delivered in. The recruits annually necessary shall be sent to the English commissary, disciplined and completely equipped, at the place of embarkation, at such time as his Britannic Majesty shall appoint.

IX. In Europe his Majesty shall make use of this body of troops by land, whereever he shall judge proper; but North America is the only country of the other parts of the globe where this body of troops shall be employed. They shall not serve on the sea; and they shall enjoy in all things, without any restriction whatsoever, the same pay and emoluments as are enjoyed by the English troops.

X. In case the most serene landgrave should be attacked or disturbed in the possession of his dominions, his Britannic Majesty promises and engages to give him all the succour that it shall be in his power to afford, which succour shall be continued to him until he shall have obtained an entire security and just indemnification: as the most serene landgrave promises likewise, on his part, that in case his Majesty, the king of Great Britain, is attacked or disturbed in his kingdoms, dominions, lands, provinces, or towns, he will give him in like manner all the succour that it shall be in his power to afford, which succour shall likewise be continued to him until he shall have obtained a good and advantageous peace.

XI. In order to render this alliance and union the more perfect, and to leave no doubt with the parties about the certainty of the succour, which they have to expect by virtue of this Treaty, it is expressly agreed, That to judge for the future, whether the case of this alliance, and the stipulated succour, exists, or not, it shall suffice, that either of the parties is actually attacked by force of arms, without his having first used open force against him who attacks him.

XII. The sick of the Hessian corps shall remain under the care of their physicians, surgeons, and other persons, appointed for that purpose, under the orders of the general commanding the corps of that nation, and every thing shall be allowed them that his Majesty allows to his own troops.

XIII. All the Hessian deserters shall be faithfully given up, wherever they shall be discovered, in the places dependant on his Britannic Majesty, and above all, as far as it is possible, no person whatever of that nation shall be permitted to establish himself in America without the consent of his sovereign.

XIV. All the transports for the troops, as well for the men as for the effects, shall be at the expence of his Britannic Majesty; and none belonging to the said corps shall pay any postage of letters in consideration of the distance of the places.

XV. The Treaty shall be ratified by the high contracting parties, and the ratifications thereof shall be exchanged as soon as possible.

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In witness whereof, We, the undersigned, furnished with the full powers of his Majesty the king of Great Britain on one part, and of his most serene highness the reigning landgrave of Hesse Cassel on the other part, have signed the present Treaty, and have caused the seals of our arms to be put thereon. Done at Cassel, the 15th of January, in the year 1776.

WILLIAM FAUCITT. (L. S.)
M. DE SCHLIEFFEN. (L. S.)

Translation of a TREATY between His Majesty and the Hereditary Prince of Hesse Cassel, Reigning Count of Hanau, &c. Signed at Hanau the 5th of February, 1776.

Be it known to all whom it may concern, That his Majesty the king of Great Britain having judged proper to accept a body of infantry of the troops of his most serene highness the hereditary prince of Hesse Cassel, reigning count of Hanau, &c. to be employed in the service of Great Britain, the high contracting parties have given orders for this purpose to their respective ministers; that is to say, his Britannic Majesty to col. William Faucitt, captain of the Guards, and the most serene hereditary prince of Hesse Cassel to his minister and privy counsellor Frederick de Malsbourg, who, after the exchange of their respective full powers, have agreed upon the following Articles:

ART. I. The said most serene prince yields to his Britannic Majesty a body of infantry, of 668 men, which shall be at the entire disposition of the King of Great Britain.

ART. II. The most serene prince engages to equip completely this corps; and that it shall be ready to march the 20th of the month of March next at farthest. The said corps shall pass in review before his Britannic Majesty's commissary at Hanau, if that can be done, or at some other place as opportunity shall offer.

ART. III. The most serene prince engages to furnish the recruits annually necessary. These recruits shall be delivered to his Britannic Majesty's commissary, disciplined and completely equipped. His most serene highness will do his utmost that the whole may arrive at the place of their embarkation at the time his Majesty shall fix upon.

ART. IV. The service of his Britannic Majesty, and the preservation of the troops, requiring equally that the commanding officers and subalterns should be perfectly acquainted with the service, his most serene highness will take proper care in the choice of them.

ART. V. The most serene prince engages to put this corps on the best footing possible; and none shall be admitted into it, but persons proper for campaign service, and acknowledged as such by his Britannic Majesty's commissary.

ART. VI. This corps shall be furnished with tents, and all necessary equipage.

ART. VII. The King grants to this corps the ordinary and extraordinary pay, as well as all the advantages in forage, provisions, winter quarters, and refreshments, &c. &c. enjoyed by the royal troops: and the most serene prince engages to let this corps enjoy all the emoluments of pay that his Britannic Majesty allows them. The sick and wounded of the said corps shall be taken care of in the King's hospitals, and shall be treated in this respect as his Britannic Majesty's troops: and the wounded not in a condition to serve, shall be transported into Europe, and sent back into their own country, at the expence of the King.

ART. VIII. There shall be paid to his most serene highness, under the title of levy money, for each foot soldier 30 crowns Banco, the crown reckoned at 53 sols of Holland: one half of this levy money shall be paid six weeks after the signature of the Treaty; and the other half three months and an half after the signature.

ART. IX. According to custom three wounded men shall be reckoned as one killed: a man killed shall be paid for at the rate of the levy money. If it shall happen that any company of this corps should be entirely ruined or destroyed, the King will pay the expence of the necessary recruits to re-establish this corps.

ART. X. The most serene prince reserves to himself the nomination to the vacant employments, as also the administration of justice; moreover, his Britannic Majesty will cause orders to be given to the commander of the army in which this corps shall serve, not to exact of this corps any extraordinary services, or such as are beyond their proportion with the rest of the army; and when they shall serve with the English troops, or with other auxiliaries, the officers shall command (as the military service requires of itself) according to their military rank, and the seniority of their commissions, without making any distinction of what corps the troops may be with which they

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may serve. This corps shall take the oath of fidelity to his Britannic Majesty, without prejudice to that they have taken to their sovereign.

ART. XI. Their pay shall commence 15 days before the march of this body of troops; and from the time the troops shall have quitted their quarters in order to repair to the place of their destination, all the expences of march and transport, as well as of the future return of the troops into their own country, shall be at the charge of his Britannic Majesty.

ART. XII. His Britannic Majesty will grant to the most serene prince, during all the time that this body of troops shall be in the pay of his Majesty, an annual subsidy of 25,050 crowns Banco. His Majesty shall cause notice of the cessation of the aforesaid subsidy to be given a whole year before it shall cease to be paid; provided that this notice shall not be given till after the return of the troops into the dominions of his most serene highness.

This Treaty shall be ratified by the high contracting parties, and the ratifications thereof shall be exchanged as soon as possible. In witness whereof we the undersigned in virtue of our full powers, have signed the present Treaty, and have thereto put the seals of our arms.

Done at Hanau the 5th of February, 1776.

WILLIAM FAUCITT. (L. S.)
FREDERIC B. DE MALSBOURG. (L. S.)

Debate in the Commons on the German Treaties for the Hire of Troops to act against the Americans.] Feb. 29. Lord *North* moved that the preceding Treaties be referred to a Committee of Supply. He urged the necessity of the measure, and the great effects he expected from it. He said, no questions could arise upon it but three, all of which were too plain to require much elucidation. Whether the troops proposed to be hired were wanted? Whether the terms on which they were procured, were advantageous? and, Whether the force was such as might be deemed fully adequate to effect the operations for which it was intended? As to the first point, he said that reducing America to a proper constitutional state of obedience, being the great object of parliament, the best and most speedy means of effecting so desirable a purpose, was the motive which induced administration to adopt the measure, because men could be readier had, and upon much cheaper terms in this way, than we could possibly recruit them at home. On the second, he observed, that not only in the view of comparative cheapness with home levies, but as referring to former times, the present troops would cost us less than (taking all the circumstances together) we could have expected. And lastly, that the force which this measure would enable us to send to America, would be such, as in all human probability must compel that country to agree to terms of submission, perhaps without any further effusion of blood.

Lord *John Cavendish* reprobated the measure in all its parts. He observed, that the present was the first alarming consequence of the American war. Britain was to be disgraced in the eyes of all Europe; she was to be impoverished; nay, what was, if possible, worse, she was compelled to apply to two petty German states in the most mortifying and humiliating manner, and submit to indignities never before prescribed to a crowned head, presiding over a powerful and opulent kingdom. 1. The troops were to enter into pay before they began to march—a thing never known before. 2. Levy-money was to be paid at the rate of near 7*l.* 10*s.* a man. 3. Not satisfied with this, those petty princes were to be subsidized. 4. They have had the modesty to insist on a double subsidy. 5. The subsidy is to be continued for two years in one instance, and one year in the other, after the troops have returned to their respective countries: and lastly, a body of 12,000 foreigners are to be introduced into the dominions of the British crown, under no controul of either king or parliament; for the express words of the treaty are "that this body of troops (Hessians) shall remain under the command of their general, to whom his most serene highness has entrusted the command."

Mr. *Cornwall* assured the House, that he had a better opportunity of knowing the means of treating with German princes, and of procuring troops, than any man in it. That his situation for many years, as clerk in the German pay-office last war, gave him this opportunity; and that he was astonished to hear any gentleman, conversant with German connections, call the present terms disadvantageous. He contended, that the two months previous pay allowed to the duke of Brunswick, was no more than a douceur; and insisted that they were all had on

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lower terms than was ever known before, especially if the business should be effected within the year, of which he had no reason to doubt.

Lord *Irnham*. I am to ask your pardon for appearing so solicitous to give you my sentiments, just at this period of time, but it is to answer the hon. gentleman of the Treasury bench, who is, I know, a perfect master of the German affairs, and to submit to him, in this stage of the business, my doubts as to the competency of the landgrave of Hesse, and the duke of Brunswick, to make such treaties as are now under our consideration. That gentleman knows, that before the peace of Westphalia, the feudatories of the empire had no confirmed legal right to engage, without leave of the emperor, in offensive and defensive alliances with foreign princes, which might require sending troops out of the empire. But the weakness of the House of Austria, and the dread of the Swedish arms, obtained, after a long discussion, that extraordinary privilege, on the pretence of the interest of religion, and the inability of the head of the empire, from being often engaged in war with the Turks, to defend the frontiers, which made such a concession beneficial to the empire; always presuming, that the troops of those princes so contracting, should, in case of the empire being attacked, return to its defence, as the allegiance of those princes to the emperor and empire of Germany, by the nature of their feudal tenure, especially required. Now, Sir, if this is the true state of the privilege those princes now enjoy, can it be fairly inferred from thence, that they can, merely for lucre and pecuniary considerations, transport their vassals to the East or West Indies, nine parts in ten of whom will hardly ever return; and thus, by depopulating their territories, deprive their lord paramount of the succour which he has a right to expect from them, and of the advantage which an inhabited and settled territory affords, in comparison of one stript of all the men able to bear arms; to support a cause in no shape whatever connected with the empire, and which must render it vile and dishonourable in the eyes of all Europe, as a nursery of men reserved for the purposes of supporting arbitrary power, whenever grasped at by those who have more money, though not more justice and virtue, than the others whom they can pay for oppressing. I shall say little to the feelings of those princes who can sell their subjects for such purposes. We have read of the humourist Sancho's wish; that, if he were a prince, all his subjects should be black-a-moors, as he could by the sale of them easily turn them into ready-money; but that wish, however it might appear ridiculous, and unbecoming a sovereign, is much more innocent than a prince's availing himself of his vassals for the purpose of sacrificing them in such destructive wars, where he has the additional crime of making them destroy much better and nobler beings than themselves.—As to the defensive part of the treaty, which is looked upon as of no consequence, on supposition that we shall never be called upon to fulfil it; I beg leave to insist on the contrary position: for the emperor may not only shew his resentment of this proceeding of his vassals, by a military execution in their territories, but may thereby give them a right to call upon us for that indemnification in money, which is the only means in our power for making them amends, and to which we are by these treaties bound. Besides, the king of Prussia, who is at their door, will infallibly seize this opportunity of making us pay the 600,000*l.* which he pretends we wronged him of at the close of the last war. It will therefore be very proper for administration, and much more for the House, to consider that it would be a great addition to the expence, which, from the complexion of the House, I am afraid we are going to incur, by approving of those treaties now under consideration, which treaties I look upon as highly inexpedient, and dishonourable to the nation; and to which therefore, I shall give every opposition in my power.

Mr. *Seymour* compared the present with the treaties with German and other princes, whom we had formerly subsidized, and defied Mr. Cornwall, to produce a single instance, in which the same number of men, within the same time, had cost the nation so much money.

Mr. *Hartley*. In the course of our debates upon American measures, I frequently hear the terms of rebellion and rebels made use of, which I shall never adopt: not only because I would avoid every term of acrimony which might increase the ill-blood between us and our fellow subjects, in America, but likewise, thinking as I do, that the ministry of this country have been in every stage the aggressors; I never will, as a Whig of Re-

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volution principles, confound terms so fundamentally the reverse to each other, as defensive resistance in the support of constitutional rights, with unprovoked and active treason. The colonies have been condemned unheard. If you would have condescended to have heard their petition, you would have found that all they requested has been to be restored to the happy state of harmony, and constitutional dependence existing in 1763. Those ministers who have so madly driven them on to unavoidable resistance, must be answerable to their country for all future consequences. I wish to enter my protest once for all, that I shall always think that our American fellow-subjects have been driven to resistance in their own defence, and in support of those very claims which we ourselves have successfully taken up arms in former times, to rescue us from the violence and tyrannical pretensions of the House of Stuart. These rights are the giving and granting freely our own property, and the security of charters. Let us do to them as we have done for ourselves, and it is all that they ask. I am convinced that the nation will some day or other see the justice of their cause, when the anger of the present unfortunate disputes is a little abated, and when many misrepresentations, which are studiously circulated by ministry, are cleared away. Therefore, Sir, for the present I will suspend this part of the argument, and confine my objections to this measure of the foreign troops; to the impolicy and impracticability of the measures; being always understood that I have entered my protest against their injustice. Sir, the public have been artfully and imperceptibly led into these measures. We were told, at first, that the discontents were only adopted by a few factious persons in America, that the body of the people were totally averse to these measures of resistance, and that a very little exertion from this country, and a very inconsiderable expence, would restore the public tranquillity. Many of us on this side of the House have from time to time, endeavoured to uncover these fallacies, having too truly foreseen and foretold the endless ill consequences of the ministerial plans in America. I myself told you, Sir, in this very place, not many months ago, from very certain information, that America would not only not recede upon the articles of arbitrary taxation and surrender of charters, but that they would turn out, before last midsummer, a body of 50,000 men in arms. This prediction was at that time treated by the House with laughter, yet it has proved but too true. What confidence can we then have in ministers who are so grossly ignorant and deceived, or, who conceal the true state of things from this House and the public, perhaps with no better view than to trepan them insidiously, and by gradual steps, into the support of their own desperate and sanguinary designs? The public revenue being a subject, upon which I have at times bestowed some pains, and upon which I sometimes troubled you, I am sure this House will do me the justice to recollect, that I have incessantly remonstrated against the enormity of the expence which these measures would entail even to the hazard of public bankruptcy, if foreign war should overtake us upon the heels of this civil contest. The ministry have, for a time, smothered these mischiefs; they have kept all matters of expence out of sight, and endeavoured to lull the public to inattention, by conveying to them that very little matters would do. No such words as taxing and funding have even been whispered; but taxing and funding must come, and that soon too. You cannot do this very year without. I have again and again stated to this House, and to the noble lord, that the debts and expences incurred, and such as will be incurred in this very year's campaign, cannot come to a less sum than ten millions. The army extraordinaries, and navy debt incurred in the last year, must be enormous; those which will farther be incurred in the present year, must be immense. Let the noble lord deal ingenuously with the public, and inform the House what expences he is providing for them. Does he intend to lay any new tax this year? Does he pay off any of the navy debt? Does he intend to propose the payment of the civil list with an augmentation to the establishment of it? What will the noble lord state as the probable expence of the intended campaign? Let the country gentlemen know what endless expences they are to encounter. There are some gentlemen who have professed, that they enter into this war to obtain a revenue from America, but still not at all price. Gold may be bought too dear: if they are to pay a hundred years purchase for the possibility of a revenue from America, who would give that price even for a certainty? But it is contended that all this armament is only a mode of making peace with dig-

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nity; that the Americans will be awed into submission, and that commissioners are to grant pardons and to make peace. This is the insidious pretext of the present year: for what powers are given to the commissioners? None, but to grant pardons, if the Americans will lay down their arms, upon unconditional submission. This is an insult both upon them and upon us. Did they take up arms to obtain pardon, or to obtain redress of grievances? You have condemned them unheard, you have subverted all their civil rights, you pensioned their judges, you garble their juries, you control the free debates of their assemblies, you confiscate their charters, you take their property by violence from them; and when they petition or complain, you tell them that these are pretended grievances: yet these are the grievances which they seek redress of under arms. Give them redress, and they will lay down their arms, and gladly receive pardon and general oblivion. If parliament had enabled the commissioners to offer redress of grievances, I should not have called the appointment of them a mere pretext; but you have expressly tied their hands. Neither can the Americans put any trust in any supposed intentions of the ministry for peace. General Burgoyne says, in his letter to general Lee, that after what has passed, the Americans may rest in full confidence that this country would never think of taxing them again, and indeed that inference would seem reasonable, if we did not hear the contrary asserted and supported almost in every day's debate in this House, and particularly by the noble lord who has lately been advanced to the head of the American department. The noble lord at the head of the Treasury seldom holds the same language and opinion long together. Sometimes he is ready to dispense with taxation, and wishes to God, that all things were restored to the state of 1763. If he has personally any dispositions to moderation and lenient measures more than his colleagues, he is at least overruled. But the noble lord of the American department, has invariably declared upon principle, that a total and unconditional submission, an entire surrender of their property and charters, are, with him, the indispensable preliminaries of any treaty of peace. I have myself troubled the House this very session with some propositions of pacification, offering security to the colonies upon the articles of taxation and charters, which have been refused upon principle, expressly argued in the debate on the part of the ministry, that they would not, in the least degree, recede from their terms of unconditional submission to be enforced by the sword. Then away with these pretexts! it is clear enough that they mean nothing but destruction and bloodshed, and to act over again the mockery of what was last year called the conciliatory proposition. You sent orders to dip the sword in American blood before that proposition, insidious as it was, could be offered to any assembly upon the continent. This year again, your pretext is a pretended commission to offer peace, at the same time tying up the hands of the commissioners from making any offer but of unconditional submission, with an army of foreign mercenaries sent close upon their heels, to lay waste the whole country with fire and sword. Sir, my opposition to this unjust American war, is so total and absolute against every part of it, that I hardly know in what terms to express my aversion to any one part more than to every other; yet I think, Sir, if there could remain any measure exceeding every preceding one in disgrace and barbarity, it is this of introducing foreign troops. The first shedding of civil blood was wantonly precipitated by ministerial orders last year, even before the pretended plan of reconciliation could be proposed to any assembly on the continent; therefore the first blood lies at your door. Notwithstanding this provocation of bloodshed, the Americans tell you in their declaration, as a proof of the sincerity of their desire for peace, that "they have not called in the rivals of your grandeur," justly claiming the merit of forbearance under such provocation and distress. Mark the reward which we give them for their forbearance: their petition is rejected unheard, and the minister tells the parliament, in the King's speech, that it is with 'satisfaction' that his Majesty has received friendly offers of foreign assistance; to which this House has given for answer, that they would 'cheerfully' enable his Majesty to avail himself of the offer. An American congress have held such a measure in abhorrence; a British parliament have adopted it with 'cheerfulness.' You have now set them the example, and perhaps by the very act, made it unavoidably necessary for them to adopt the same fatal measure in their own defence. I call it a fatal measure; because when foreign powers are once introduced in this dis-

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pute, all possibility of reconciliation and return to our former connexion is totally cut off. You have given a justification to the Americans by your example, if they call in the assistance of foreign powers. Let the minister who has advised this measure to his Majesty, consider well of the consequences. His head as well as his hand, is answerable for the treaties. I mean not merely from the effect of these foreign troops in the American dispute, but from all other consequences, upon the general security of our situation with respect to all foreign powers. We know well, with how jealous an eye this country is watched; and more particularly envied, on account of the universal and uncontroled empire of the British flag. One such treaty should not stand alone. If any foreign power should attack us, we shall expect of the minister, who has advised these treaties for foreign forces, to be prepared with such a system of treaties and alliances as shall secure this country from the natural consequences to be expected from such interference of foreigners. When you have set the example, you not only justify America in applying for foreign aid, but every power whatever will think themselves at liberty to take such part as may best suit their own convenience. Upon the whole of this measure, I think it the most disgraceful, the most unjust and unnatural, and big with the most fatal consequences, of any measure that has been, or could possibly be adopted, therefore I shall give my most hearty negative to it.

The Hon. *Frederick Stuart*, (third son of the earl of Bute) was for warlike measures. He rested the strength of the nation chiefly on paper-credit, with which he united the navy and commerce. Paper-credit, he said, effected wonders; it was not only a substitute for money, but it was better. While our credit remained inviolate, we shall never want either soldiers or sailors. He insisted that America had no prospect of deriving support from any foreign power, because she was not able to pay them; neither France nor Spain would assist them, unless well paid. America had nothing but paper-money, and that would never pass current; nothing but good sterling money would answer their purpose, and that she would not be able to procure, so long as her trade and commerce were prevented or destroyed by our navy.

Captain *James Luttrell*. I rise because I think, that if I am not too young a member to have a sense of humanity, neither can I be deemed too young to give my voice, as well as vote against the oppressive measures of the present administration. Nor can I be awed by their abilities, or experience, when the state of affairs prove they have been so misapplied, as to lose to the crown America, to this country a most valuable part of its commerce, and which are every day exerted in framing such Bills as may more justly be called death-warrants to thousands of British subjects, than a step towards regaining our lost colonies. I flatter myself, Sir, that what I shall say against this war, will not be thought inconsistent with the spirit of an officer: for if Great-Britain must bleed for her injustice towards America, I know my duty, and when called upon should not shrink from the summons: but I should hope when I fell, that it was to save some better man, who might live to fight in a better cause. However, Sir, I cannot reflect so calmly on the destiny and possible fate of those great and distinguished officers, who could scarcely be replaced by their equals, much less by their superiors; I therefore feel it an additional reason to blame and lament, the rashness of administration.

I form my judgment, Sir, of America, not from being a member of this House, but from having passed many years in that country, where, because I was an Englishman, I met with a friendly reception. They gave me many just causes to respect them, and to wish them well: nay, I thought it consistent with my duty so to do, even though I served in men of war. For I could not at that time foresee, we were sent to protect America from foreign powers, only that we might become the spoilers of it ourselves. I rather looked upon us as guardians to their trade, in which both countries had a fair, and a mutual advantage. The Americans have never sought to be independent of England. They thought ministry misinformed, therefore they requested to be heard, and however artfully they may have been deprived of that privilege before this House, I do respect it as the grand judicial inquest of the nation, which must be too high and too equitable to condemn an individual without a hearing, much less three millions of subjects. Yet it is said that parliament declared this war against America: let who will have done it, I have seen enough of that country to think it

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my duty to endeavour to express how much I am averse to so iniquitous, so impolitic a persecution.

I have heard, Sir, that it is necessary to destroy America, in order to obtain an honourable peace to this commercial country. If such great objects may be compared to small ones, I think it would have been as sound policy to send to Liverpool, at the time of the riot, to burn the town, and destroy all the merchant ships, because a part of their crew had proved disobedient to the laws. But who says the Americans will not submit to be governed by the just laws? They only say so, who first broke through them, and have ever since been adding insult to injury. The minister well knew he had offended all America; and what man is so unlikely to put an end to the dispute, as he who insists upon being judge in his own cause? This I do say for the Americans, because I do believe it, that had their real motives been fairly and impartially laid before this House, and the parliament of Great Britain been called in as the mediators, not the persecutors of the people, all would have ended well: that good faith which had been wantonly violated towards the colonies would have been restored upon a more lasting foundation, and men's lives and properties been safe at this very hour. Some say, who now are the Americans we can treat with? Is it every individual settler of that country? Surely it would be an endless work. Who then so proper as those in whom they place implicit confidence, and whose decisions they will abide by? Such are the congress; nor can I think the minister wishes to pay the paltry compliment of a preference to the provincial councils, and assemblies; unless he can forget how long they were treated with the most shameful contempt and disgrace, and that he drew this fatal sword to prove they did not represent America. But, Sir, I beg pardon for deviating so far from the business of the day as to talk of reconciliation, peace, and commerce; for I understand the noble lord does still persist, he can by force of arms recover the trade and amity of the colonies. I think they will continue to shew us, that by such methods it is impracticable to attain those ends: but even were it possible he should succeed, permit me to say (if as a seaman I may be indulged with a professional comparison) I could never approve of that pilot, who when he might have steered the vessel through a safe and pleasant channel, directs her course amongst rocks and quicksands, telling me, for my best hope, that he has ingenuity enough to extricate her at last.

Sir, I comprehend that ministry now apply to parliament for 17,000 Germans to send to America. Good God, for what end? To enslave 150,000 of their own countrymen, many of whom fled from tyrants to seek our protection. And, Sir, I speak in moderation; for passing over Georgia and West Florida, where they have some considerable settlements, there is Pennsylvania, one of the largest and most flourishing of the colonies, situated in the finest climate; it is above one half peopled by Germans, they speak that language and scarcely any English. The German flats on the Mohawk river, which extend at the back of New-York and the Jerseys, are very highly cultivated, and esteemed the best lands of any of those provinces. Some thousands of Germans are the settlers and improvers of that country, and these I have mentioned, are the nearest inhabitants to the five nations of Indians. They trade with them, speak their language, and it is most natural to suppose they will easily persuade them to take up the hatchet against the King's forces. The Germans have some considerable settlements on the Connecticut river, but it is true the fewest Germans are in New-England and the northern provinces. I do presume, Sir, that is the reason why the congress have not hitherto thought it necessary to call more of them to the provincial army. I shall only add to this account of the Germans, that the encouragement for them to quit their own country and become settlers in America, was so very great, that the German princes found it absolutely necessary to make it death by their laws to carry any more of them out, and the Palatine ships that used so frequently to convey them have of late years ceased to arrive at the ports of our colonies. To conquer and to govern by military force, these settlers and all the inhabitants of that vast continent, with such a handful of German and British forces, I do indeed, Sir, hold to be impracticable; but I think it an excellent opportunity for our hired troops to desert, because they will most likely be offered lands, and protection. These warlike transports we are to fit out may then be considered as good as the Palatine ships for peopling America with Germans.

I do presume, Sir, it is not good policy to hire these foreign troops; first, because

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they will provoke five times the number of their own countrymen in America, and a great many Indians, to join the provincial army: secondly, because they will desert, and accept of lands, which when they have done, we have hired troops to fight against ourselves; for surely when like those who became settlers before them, they see an uncultivated wild grow fruitful and beautiful under their hands, they will readily join in protecting that property and the just rights of America against the oppressive impositions of an enterprising ministry. Sir, foreseeing these probable events, having passed some winters and summers in America, and part of that time under hospitable roofs, I think it would be wrong in me to give a silent vote upon the present occasion.

Mr. *Jolliffe* said, that as matters now stood, it was impossible to retreat, consequently troops must be had, in order to carry the proposed measures into execution. This could not be effected without a sufficient force, and the present being the most feasible means of procuring that force, he could not perceive how it was possible for any person who approved of one, to consistently object to the other.

Mr. *George Grenville** observed, that he had scarcely been long enough in public life to fix before now his sentiments relating to America. He had, however, no doubt of the right of parliament to tax America, and consequently must concur in the coercive measures. He was far from approving all the steps administration had taken, but at present the main point rested on this alternative; shall we abandon America, or shall we recover our sovereignty over that country? The expence was, to be sure, heavy, and the terms now before us hard; but if we did not consent to relinquish all our pretensions at once, we had better make one effort more; and if we miscarried, we should, in that event, be little worse than if we henceforth desisted from all further pretensions.

Governor *Johnstone* insisted, that the paper-credit of America was full as good as ours, and would answer every effectual purpose that the paper-credit of Great Britain possibly could. He was surprised to hear an hon. member describe paper-credit as one of the great pillars of this nation; he contended, that a love of liberty was sufficient to surmount all difficulties, and instanced the case of the Dutch in the resistance they made to the oppression of the Spaniards, who, on their recognition as a free state, by their cruel taskmasters, were indebted in no less a sum than in ninety millions sterling.

Lord *North* expressed his surprise at hearing so much stress laid on the impropriety of carrying on a war against our fellow-subjects. For his part, he always imagined, that a civil war called most urgently for speedy and effectual suppression. Such wars were no novelties in this country. Were not the Irish our fellow-subjects in 1690? Were not the Scotch so in 1715, and 1745? And did any person ever assign it as a reason that those rebellions should not be crushed, because the rebels were our fellow-subjects? He insisted, that the cases of America and the United Provinces were extremely different: that the latter was privately abetted, and publicly supported; and yet, if her commerce had been cut off, notwithstanding all the aid she derived from her powerful friends (as that of America shortly would be) she must have been obliged to submit.

Mr. *Fox* observed, that the noble lord was never twice in the same temper, nor of the same opinion. A few nights ago his lordship confessed he could not promise but that some foreign power might interfere; and now he reasoned as if he was certain, that America would be cut off from all public or private support of foreign powers. He wished his lordship would take one side or other of the argument, and adhere to it; for if he granted the possibility of such an interference, then his whole argument amounted to nothing. If, on the other hand, he was certain of a strict neutrality on the part of France and Spain, he begged never again to hear a syllable of a possibility of their interfering in the present disputes.

Lord *George Germaine* defended the measure on the ground of necessity. He quoted a number of precedents, to shew that in every war or rebellion we had recourse to foreigners to fight our battles, and to support our government.

Lord *Barrington* supported the motion, because he owned that recruits could not be procured on any terms. The bargain was not so advantageous as he could have wished; but it was the best that could be made. They had prescribed the terms, and we were compelled by necessity to accept of them.

Colonel *Barré* reminded the noble lord

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* Afterwards earl Temple, and in 1784 created marquis of Buckingham.

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of the assurance he gave on a former occasion, that no foreign troops were meant to be employed. He hoped he would not resort to his old apology, that he was not of the cabinet; or, if he should, that he would never more pass his own speculations on the House, as originating from those in the cabinet who were supposed to authorise him to give those assurances. He turned then to the minister, and was severe on him and his colleagues, telling them plainly, that they were not fit to conduct the affairs of a great nation, either in peace or war. He attacked the treaties, and those who advised them, and pointed out the great danger of introducing such a number of foreigners into the kingdom, alluding to the case of Francis the 1st of France, among many others, who experienced the inconveniencies of so hazardous an experiment.

Lord *North* answered several objections made to the treaties, as well as others relative to the state of our navy at home. He said that this country would not be in danger when the armament destined for America had sailed, for we should still have the usual number of guardships, and it was not intended to send one line of battle ship to that part of the world.

General *Conway* insisted that administration had most shamefully, if not basely, broke their word with America, respecting the circular letter wrote by lord Hillsborough to the several provincial assemblies, while secretary of state for that country. He observed, that administration one day profess to relinquish all idea of a revenue; the next day they insist on taxation; a third, they solely contend for supremacy and commercial controul; and again, we will not tax, but we will have a certain specific sum of money. He appealed to the candour and good sense of those who heard him, if it were possible for America to know what to do, or what she could depend on; for, supposing she were willing to consent to any one, or all of those schemes, what certainty would she have in such unsteadiness of counsels, but, that the very next day the whole system may be abandoned, and some new claim made upon them, perhaps the fruitful parent of a hundred more. What was the conciliatory proposition of last year, taking it in the most favourable interpretation, but the old claim of taxing, dressed in another garb? In short, he could see nothing but naked destruction present itself on every side; for, let America consent or resist, he was perfectly satisfied, that the ruin of this empire was inevitable. He treated the idea of reducing America as impracticable and absurd; and if it were not, he pronounced it at once cruel, oppressive, impolitic, ruinous, and unjust.

Lord *Mulgrave* said, he had ever approved of Mr. Grenville's system of colony-government; that his prophecy was now literally fulfilled; for he said, if the Stamp Act should be repealed, it would produce all the consequences that have since happened. That the repealing that Act was the cause of all our present disputes; and that whatever was thrown out respecting his conduct, was equally untrue and ill-founded; for as he was always against the repeal, so he was now in favour of coercive measures, never considering on which side administration voted.

Lord *North* said, he was not responsible for what lord Hillsborough might have promised before he came into office; yet if he had been one of the advisers of that measure, he thought he could fully justify himself on the conciliatory proposition which he had the honour to submit to the House last year, for that went beyond any thing contained in the circular letter said to be written by the noble lord. The proposition secured the application of the port-duties to the services of the colony where such duties should happen to arise, which plainly removed the only objection that had been previously made to them, that of drawing the produce of such duties into the British exchequer. His lordship was then extremely jocular on some of the arguments made use of by governor Johnstone, general Conway, and colonel Barré, relative to the native strength of America, and the personal prowess of its inhabitants, on the dangers of a foreign invasion, and on the probable consequences of introducing a body of foreigners into our dominions in America, and the miraculous effects of American paper-credit.

Mr. *Burke* complimented the noble lord on his talents for ridicule, his political witticisms, and his ironical strictures. He observed, that his lordship one day came down to the House with a very grave serious argumentative air, and told the country gentlemen, that they should have a revenue, for it was the very point in issue. The next he changed his tone, and as gravely affirmed, that nothing was farther from his intentions; for it was the supreme legislative power of parliament that employed all his sleeping and waking thoughts;

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a paltry trifling revenue was beneath the dignity and wise consideration of a British parliament. Again, the dispute only related to the destruction of the tea at Boston; neither the revenue nor supremacy made any part of the controversy. At the beginning of the session not a single foreigner was intended to be employed; now, nothing was to be effected without the aid of foreign mercenaries; but if necessity should compel us to employ foreigners, it was only because they could be procured upon cheaper terms. The necessity is arrived; but the pretence of cheapness is at once abandoned; for it turns out, that for every 1,000 foreigners we have taken into our service, we shall pay as much as for 1,500 natives. If his lordship was charged with being the promoter of those measures, the fact was denied, he only co-operated with the rest of the King's servants; if they were attributed to any other set of men, he instantly put in his claim to the whole merit. If he was reproached with versatility of sentiment, or contrariety of opinion, he laughed at his opponents, and turned the whole into a mere matter of ridicule. So that, on the whole, supremacy or no supremacy, revenue or no revenue, foreigners or natives, cheapness or dearness, responsibility or no responsibility, his lordship seemed to regard very little, the whole was made to end in a joke; promises, reasons, and arguments, were made to yield to ministerial pleasantry and good-humour; the House was made merry, a laugh was created, and the mere grumblers were, as they deserved, turned into ridicule and contempt.

Mr. *Stanhope* condemned the measures pursued by administration, as leading to consequences of a most serious and alarming nature. The means proposed to carry them into execution, were not less exceptionable than the policy which gave birth to them; and if persisted in, must not only cause the entire loss of America, but subject us to burdens we should never be able to bear.

Sir *George Savile* entered into several comparative computations, relative to the terms of the present treaties; and shewed, that it was never known since the present custom of hiring mercenary troops prevailed, that so disgraceful or dear a bargain had been made, even when the total disssolution of the established form of government had been threatened, and rebellions had existed in the very bowels of the kingdom.

Mr. *Rigby* observed, that in the beginning of the session opposition objected, that the military estimates were too low, and not adequate to the purposes of absolute coercion, yet now that defect was attempted to be remedied, they were ready to oppose the increased expence, and seemed resolved to find fault in either event. He said he should not be surprised to hear them find fault with the war itself, but he confessed he was astonished to hear them condemn the most effectual mode of obtaining the objects for which only it was set on foot, that of compelling America to return to a state of obedience. They might indeed controvert the justice of the war, but he could not possibly conceive how they could oppose those who were already convinced of its justice, contrary to their own express sentiments, declared in parliament. Among the rest, he expressed his astonishment at what had fallen from colonel Barré, who had condemned the war as impolitic, ruinous, and unjust, when he recollected, that that very gentleman had both spoken and voted for the Boston Port Bill, which was the basis of the present civil war.

Colonel *Barré* owned the charge; but he contended, it proceeded from misinformation; for the minister had given the most explicit assurances that the merchants of Boston had desired such a Bill; and that the people of the Massachuset's Bay would, as soon as it was passed, immediately return to their duty. Experience, however, had taught him what degree of credit any official or ministerial information deserved.

Mr. Alderman *Bull*. I cannot, Sir, forbear to express my astonishment and concern, that early in the present session so many gentlemen should have been prevailed upon, by any considerations, to stand forth in the most serious and solemn manner, to approve and sanctify those arbitrary measures which were recommended and have been fatally carried into execution, by an unrelenting administration, who have dared to abuse the throne by their sanguinary councils, and whose whole conduct has proved them destitute of every principle of justice, humanity, and the religion of their country. Their insatiable thirst for Protestant blood has been long evident; and it cries aloud to Heaven for vengeance, as well as for the just indignation of a long abused, insulted, oppressed people. To exult in the destruction of our most valuable commercial friends, and Protestant fellow-subjects; to

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pray that the same horrid scenes may be repeated; that war, desolation, and bloodshed may pervade the whole continent of America, unless it shall bow its devoted head to popery, to poverty, to the most abject and ignominious slavery, were not the fact on record, would be thought incredible. That record, Sir, to a nation professing a regard to liberty, and the rights of humanity, will remain an eternal monument of reproach.—Sir, is it probable, that the exertions of ministerial tyranny and revenge will be much longer permitted? that there will be no appeal to stop the further effusion of Protestant blood? Or can it be expected that the people of this country, reducing by thousands to beggary and want, will remain idle spectators till the sword is at their breasts, or dragoons at their doors? God forbid! I am not insensible how much professions of patriotism are become a subject of ridicule. To the astonishment of the world, the love of our country has been ridiculed within these walls. And yet, Sir, this shall not restrain me. While I will uniformly withhold the offer of my life and fortune in support of ministerial despotism, whenever an occasion may call for it, I will cheerfully sacrifice both in defence of the liberties of the people.—The war that you are now waging, is founded in oppression, and its end will be distress and disgrace. Let not the historian be obliged to say that the Russian and the German slave was hired to subdue the sons of Englishmen and of freedom; and that in the reign of a prince of the House of Brunswick, every infamous attempt was made to extinguish that spirit which brought his ancestors to the throne, and in spite of treachery and rebellion seated them firmly upon it. I shall not now trouble the House any further, than to declare my abhorrence of all the measures which have been adopted against America; measures equally inimical to the principles of commerce, the spirit of the constitution, and to the honor, faith, and true dignity of the British nation.

At 2 o'clock the question being put, the House divided.

Tellers.

YEAS	Sir Grey Cooper Mr. Lyttleton	242
NOES	Mr. Byng Mr. Seymour	88

So it was resolved in the affirmative.

March 4. Lord North moved, that the resolutions of the committee of supply be reported. The first Resolution being read,

Colonel *Barré* pointed out several objectionable passages in the Treaties. He desired to know, in the first instance, as the Treaty provided that the Hessian officers should have every emolument that natives are allowed, and to be put on a footing, in every respect, with our own tried veterans, whether the two-pences in the clothing to the colonels, was meant to be included, and likewise where the clothing was to be procured, whether in Germany or in Britain? He was very jocular on this species of military profit; and said, he did not doubt but this sale of human blood would turn out as advantageous to the woollen manufactures of Brunswick and Hesse, in the clothing branch, as it was already likely to become lucrative to their respective sovereigns. He observed, that the Treaty might probably continue in force for four years, for it was difficult to fix the period on many accounts, which he forbore now to mention; if then, by any accident arising from defeat, pestilence, or the danger of the seas, the Hessians should be reduced to 8,000 men, perhaps to half their number or less, in such a possible, nay probable event, he should be glad to be informed by the minister, or his trusty friend the minister of the war department, who now and then steals a peep into the cabinet, though he is never permitted within the hallowed door, whether the landgrave of Hesse, or duke of Brunswick, is to have the full pay, as if their respective quotas continued full and complete?

Lord *Barrington* could not answer that question till he had taken time to consider. The best time to answer it will be, when such a reduction actually happens.

Mr. *J. Johnstone* said, it was impossible to deal with people who thus played at cross-purposes; and though a young member, he ventured to pronounce it to be the first time such an answer was given in parliament. He remarked, it was no bad beginning: the noble lord used to be pretty liberal of his promises; but so many of them had been lately either falsified or over-ruled, his lordship, he presumed, was determined, in future, to make only such as he was certain could neither be falsified nor contradicted; for his promise, if it could be at all called one, was such, that let the event be what it might,

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he could not possibly be charged with a breach of it.

Lord *Clare* said, it was the first time he ever heard a minister called to promise for events it was impossible for any man to foretell. The whole force now sending to America might be cut off, or it might not suffer the loss of a single man; but in either event it was plain, that we should not be obliged to pay for more men than were in actual service.

Sir *J. G. Griffin* allowed that the noble lord's observation was very just; it could not be supposed that we were to be at the expence of recruiting, and be obliged to pay for levies that were not complete; but yet it seemed a little extraordinary, that the noble lord in office should have expressed himself so cautiously on a matter, which if it had not been mentioned, did not, in his opinion, leave the least foundation for ambiguity or misrepresentation.

Governor *Johnstone* was severe on administration: whether we had a double cabinet, or had not, he would not pretend to determine; but he was certain that we had a double administration, or the same men presented two faces, according as it answered their present convenience, or suited their present views. One minister (lord Hillsborough) assured the Americans, that it was never the intention or wish of this country to tax them. The other (lord North) had the other night in debate, openly declared, that America ought and should submit to be taxed by the British parliament.

General *Conway* observed, it was true enough that the noble lord (Hillsborough) had broke his word with America; and so had administration, as approving of the circular letter, in which every claim to taxation was formally renounced; but for his part, it appeared to him from the very beginning, whatever assurances to the contrary might have been held out, to the present moment, that what the country gentlemen avow to be their motives for prosecuting the war against America, were likewise the great objects administration had in view. Administration told the country gentlemen, Support us, and we will ensure you a revenue from America. The country gentlemen are now giving that support, in expectation of getting a revenue, of which perhaps they will never see a shilling.

Mr. *Fox* attacked the minister on his frequent breach of promise, ever since he came into office; not but in his opinion he was full as much bound by a promise when he was only Chancellor of the Exchequer, as since he became first lord of the Treasury. He was not deserving of the first, if he could retain an office the very essence of which was to look into and take care of the public finances of the nation; and yet permit a letter which at once gave up and surrendered so fundamental a right of the British parliament, as the right of taxation was now contended to be; for either he approved of the letter in question or he did not. If he did, how can he now come and contradict his former opinion, when he and his colleague's approbation of that letter is perhaps the very cause of the present civil war? Or, if he never approved of the letter, how could he, consistently with his own honour, remain in a situation in which he was virtually pledged for a true and faithful performance of its contents? Why not resign, sooner than give his concurrence in council to measures of which he secretly disapproved?

Lord *North* denied that he was bound by any man's promise but his own. It did not become him to disclose the secrets of his office, or betray the confidence that had been reposed in him. It was enough for him now to declare, that he never gave either promise or assurance, and that consequently, he had not broken any.

The Resolutions were agreed to. After which colonel Barré moved, "That an Address be presented to his Majesty, humbly to recommend, that he will be graciously pleased to use his endeavours, that such Foreign Troops as are now, or may hereafter be, employed in his service, be clothed with the manufactures of Great Britain." Agreed to.

DEBATE IN THE LORDS ON THE DUKE OF RICHMOND'S MOTION FOR AN ADDRESS TO COUNTERMAND THE MARCH OF THE GERMAN TROOPS, AND FOR A SUSPENSION OF HOSTILITIES IN AMERICA.] March 5. The Duke of *Richmond* moved the following Address to his Majesty:

"Most gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, humbly beg leave to represent to your Majesty, that it is with the utmost concern we have seen the Treaties which your Majesty, by the advice of your ministers, has been pleased to enter into with their serene highnesses the duke of Brunswick, the

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landgrave of Hesse Cassel, and the count of Hanau, and which your Majesty has been graciously pleased to communicate to this House.

"We beg leave humbly to represent to your Majesty the sense we entertain of the danger and disgrace attending this inconsiderate measure, when it has been judged necessary, in the first exertions of Great Britain, to subjugate her colonies, to hire an army of foreign mercenaries, acknowledging to all Europe that these kingdoms are unable, either from want of men, or from disinclination to this service, to furnish a competent number of natural-born subjects to make the first campaign. And it is a melancholy consideration, that the drawing off the national troops (though feeble for the unhappy purpose on which they are employed) will yet leave these kingdoms naked and exposed to the assault and invasion of powerful neighbouring and rival nations.

"And we further beg leave humbly to submit to your Majesty, that if the justice and equity of this unnatural war was not questioned by so large a part of your Majesty's subjects, yet a reconciliation with the colonies, though attended with some concessions, would be more agreeable to sound policy, than to intrust the prosecution of hostilities to foreigners in whom we cannot confide, and who, when they are at so great a distance from their own country, and suffering under the distresses of a war wherein they have no interest or concern, and with so many temptations to exchange vassalage for freedom, will be more likely to mutiny or desert, than to unite faithfully, and co-operate with your Majesty's natural-born subjects.

"We ought not to conceal from your Majesty the anxiety we feel on the latitude of the articles in the several treaties which stipulate the power in your Majesty, of employing these troops in any part of Europe. Means are hereby provided for introducing a foreign army even into this realm, and we cannot so far confide in your Majesty's ministers, as to suppose they would be very scrupulous in advising such a measure, since they have already introduced foreign troops into two of our strongest fortresses, and have offered to bring 4,000 more foreigners into the kingdom of Ireland, without the consent of the British parliament.

"That we have moreover just reason to apprehend, that when the colonies come to understand that Great Britain is forming alliances, and hiring foreign troops, for their destruction, they may think they are well justified, by the example, in endeavouring to avail themselves of the like assistance, and that France, Spain, Prussia, or other powers of Europe, may conceive they have as good a right as Hesse, Brunswick, and Hanau, to interfere in our domestic quarrels; and if the flames of a war from these proceedings should be kindled in Europe, which we fear is too probable, we reflect, with horror, upon the condition of this country, under circumstances wherein she may be called upon to resist the formidable attack of powerful enemies, which may require the exertion of her whole force, at a time when the strength and flower of the nation is employed in fruitless expeditions on the other side of the world.

"That the Treaty, by stipulating not only to give to the landgrave of Hesse, in case of attack or disturbance in the possession of his territories, all the succour which shall be in your Majesty's power to give, but likewise to continue such succour until the landgrave shall have obtained entire security, and a just indemnification, lays this kingdom under a necessity of taking part in every quarrel upon the continent in which his serene highness may happen to be engaged, and that without any equivalent consideration to make the contract reciprocal, as this island can expect no assistance in any of her wars, from an inconsiderable sovereignty in the heart of Germany, from which more troops are already drawn than she is able to replace for her own defence, and whose revenues are not sufficient to maintain even those she has lent, without the aid of subsidy. We conceive, therefore, that this engagement of Great Britain to defend and indemnify, must be considered as part of the price she is to pay for the hire of these troops. If this article of charges (which cannot be estimated) be added to the enormous expences of levy money, charges of making good the losses of the several corps, ordinary and extraordinary subsidies, and their continuation after the troops are returned to their respective countries, and can be of no use to Great Britain, we may say, with truth, that Great Britain never before entered into a treaty so expensive, so unequal, so dishonourable, and so dangerous in its consequences.

"We therefore humbly implore your Majesty to give immediate orders for

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stopping the march of the Hessian, Brunswick, and Hanau troops, and for a suspension of hostilities in America, in order to lay the foundation of a speedy and permanent reconciliation between the great contending parts of this distracted empire."

The Address being read,

The Duke of *Richmond* again rose, and apologised for the trouble he was going to give their lordships. He expressed a consciousness of his own inability, and a wish that others more equal to the task, had stood forward at this tremendous crisis; a crisis which he feared would decide the fate of this great empire for ever. He lamented the absence of the marquis of Rockingham and the earl of Chatham. The latter, when this nation was on the brink of destruction, rescued it from impending ruin; and not resting there, gave a lustre to our arms, and an efficacy and steadiness to our councils, never before known in the annals of this country. The other of them, a noble marquis (of Rockingham) who in a season of public distraction presided at the head of the national councils, with honour to himself, and satisfaction to the nation; and, though his administration was but of short continuance, had the good fortune to quit his station with a consciousness of having healed those unhappy disputes, which threatened the empire with the most serious and alarming consequences; but which have since broke out with redoubled malignity. He was aware, how much he should feel the absence of the two noble lords, in prosecuting the business of this day; but however unequal to the attempt himself, he deemed it a part of his duty, and he should, in discharge of that duty, abandon every collateral consideration whatever; and do what he could, instead of effecting what he might wish.

The justice of the American war, the rights of the mother country, and the claims of America, had been so frequently and so amply discussed, that he should avoid, as much as possible, every fact and argument that could possibly tend to introduce those subjects into the present debate. He should endeavour to confine himself to the terms of his motion respecting the treaties, and only advert to such parts of the conduct of administration, and the means hitherto adopted in the prosecution of the war, as directly applied to them. The first ground he took was, giving a short history of the several treaties entered into with the landgrave of Hesse, beginning with that made in 1702, and ending with those several explanations and modifications of that made at the commencement of the late war, and down so late as 1761, when his serene highness was indemnified for the losses sustained in his landgraviate, by that country being frequently made by the enemy the seat of war. In this historical detail his grace shewed, that the successive landgraves, from time to time, rose in their demands, and still as they continued to extort better terms, they never failed to establish the former extortion as a precedent for the basis of the succeeding treaty, always taking care to make some new demand on this country. This he insisted was the case of the present. The preceding treaty to a subsidy added its continuance to a certain period. The one now under consideration doubled the subsidy. His grace then entered into several computations on the different heads of pay, levy money, subsidy, victualling and transport service for the troops, which he affirmed would amount to 1,169,000*l.* and that this, with transport service for the victuallers, would make 1,230,000*l.* and if the other articles under the head of contingencies, &c. were included, the expence of which could not be now ascertained, he had little doubt that the whole would be full one million and a half. He contended that this was a most enormous sum for the assistance of only 17,300 men. Those matters, however serious in the present miserable state of our finances, were not what pressed so forcibly on his mind. It was the tenor of the treaties, the ambiguous terms they were worded in some places, the dangerous precedents they established or glided in, that principally gave rise to his fears. He observed, with grief and jealousy, that an over-ruling influence had for some years pervaded our councils; that this influence had been exercised in effecting measures of a most dangerous and dark complexion; that it sometimes made its approaches by stealth, at other times rendered itself visible in open day, and proceeded to acts of violence. Hanoverians had been brought into the dominions of the British crown, without consent of parliament. An attempt was made to introduce a body of foreigners into Ireland, which miscarried. He understood that the same attempt would be repeated, though he did not pretend to authenticate it as a matter of fact. And if any doubt remained, the present treaties afforded

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ample matter for serious alarm. In the first place he observed, that they were formed on no sound principle of alliance or reciprocal support. It is true, they were said to be formed on the basis of mutual succour and support, but those expressions imported nothing; they were mere words of course. It was a downright mercenary bargain, for the taking into pay a certain number of hirelings, who were bought and sold like so many beasts for slaughter. There was no common interest which mutually bound the parties; and if there was, the conduct of the foreign princes was the most extraordinary that was ever known. They were to be subsidized. They were to have levy money. They were to have a double subsidy. Their corps were to be kept up complete. They were to be paid till the troops returned to their respective countries; and the subsidies were to be continued according to the tenor of the respective treaties, one or two years after the troops ceased to be of any service to us. But taking it on the other ground, that the treaties were formed on the true basis of alliance, what would be the consequence? That if any of those powers were attacked, or should wantonly provoke an attack, for the engagement was left general and unconditional, we should give them all the succour in our power. Thus, for the assistance of a few thousand foreign mercenaries, we are not only to pay double, but are to enter into a solemn engagement to exert our whole force to give them all the succour in our power, if the landgrave or duke shall be attacked or disturbed in the possession of his dominions. His grace begged next to recall to the memory of their lordships, the language held by the friends of the present measures towards the close of the late war. He said a very ingenious gentleman (Mr. Mauduit) at that period wrote a pamphlet, entitled, "Considerations on the German War," in which he introduced several computations of the cost of every French scalp to this nation; and made it amount to 10,000*l.* per head. He therefore recommended to the noble lords, who then approved of that gentleman's estimate, to consider what an American scalp would cost, when 17,000 foreigners would stand us in at the rate of one million and a half per annum. He observed he had many noble lords in his eye, who professed themselves of that opinion. One noble lord, now absent, (lord Bute) made use of the very arguments here adverted to, in debate. And a noble duke (of Bedford) now deceased, maintained the same opinions. He remembered a little after, when we were victorious in every quarter of the globe, when all we wanted was money, and all we had to contend with was climate, to prevent us from possessing ourselves of the whole of Spanish America, the same two noble lords, and their friends, justified the peace on no other ground but our inability to raise new taxes. They allowed that conquest was certain, but that the national debt was enormous. Where, then, was the material change of circumstances, after the conclusion of the present campaign, when the debt, which was after a 13 years peace, not reduced above seven millions, where the conquest was not certain, and where if it were, it would be a conquest over our own subjects, operating to our own ruin, unaccompanied by either fame, or advantage? Would not we then, as at the close of the last war, be in a situation, when even to prosecute certain conquest would be the height of folly and political frenzy?

His grace remarked on the danger of keeping a body of 12,000 foreigners together, under the absolute command of one of their own generals; of the possibility, though he should consent to serve under a junior officer, of his arriving to the supreme command; and of the confusion which might be created by a difference on this head, between the foreign general and the commander in chief. He laid great stress on that passage in the Hessian treaty, in which it is provided, article 9th, "that his Majesty shall make use of this body of troops by land in Europe wherever he shall judge proper." He said he could not see what operations they could be employed in, unless it were in this country, in case of a rebellion, which none foresaw but the advisers of the present measures. The foreign troops were to be double officered, which was another weighty and useless expence; so that out of the whole number, upwards of 3,000 men were not to be rank and file, contrary to every rule of war, which, in a given number of men, endeavours to render the rank and file as numerous as the nature of the service will possibly allow; because it is on them that the weight of attack or defence generally rests.

His grace made some observations on the supercession of the several officers in the naval and military departments, in

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which he maintained, that nothing like it had ever happened in the British service, without complaint or enquiry. Great faults had been found with general Gage and admiral Graves; the miscarriages which happened were imputed to their want of conduct; yet no charge is made against them, but they are recalled. To keep up the farce, the former is received coolly, but in a few days after a new commission is made out, appointing him commander in chief; and in a few days again, without any cause even pretended, he is superseded, and general Howe appointed in his room. Yet that is not the best of it; admiral Shuldham is appointed to succeed admiral Graves; but before he could take possession of this command he is superseded, and lord Howe appointed in his room. Such an extraordinary conduct was surely never known; but perhaps the superseded admiral might think himself easy under this indignity, if what was reported was true, that he was to be created an Irish peer. For the honour, however, of the noble lord at the head of the Admiralty, he hoped his lordship would explain this last official riddle; and with his usual candour, inform the House, whether those arrangements originated from him, or whether he was really over-ruled in the cabinet. This changing, appointing and superseding, besides the instability it denoted, presented another matter well worthy their lordships' consideration. It shewed that the service was disagreeable on one hand, or that the superior officers were passed by and neglected on the other. He said, there were some officers of long service and tried abilities present, as well as several others of high rank in the army. He would be glad to know from them, what were the motives that induced administration to pass by the senior officers, and devolve the command upon a very young major general. He knew that it must proceed either from an aversion to the service in them, or a total want of respect to their persons from those in power.

Much stress had been laid on the justice and popularity of the present measures; he should not debate that subject now. It was said that the independent part of the nation were for them; but he questioned the assertion strongly in the extent it was contended; for in the other House, he was informed, that the treasurer of the navy (sir Gilbert Elliot) and the paymaster of the forces, (Mr. Rigby) the one deriving his support and consequence from the cabinet, and the other from his party, and both deeply interested in measures, which, if pursued, must shortly be the means of procuring for them princely fortunes, were those who chiefly supported coercive measures. Those gentlemen and their connections, with the whole race of money-jobbers, contractors, &c. he believed, formed no small part of the 'independent' majorities which had been so loudly echoed both within and without doors, as precipitating this country into a cruel, expensive, and unnatural civil war.

He observed, that the war, if carried on, would not only be a war of heavy expence and long continuance, but would be attended with circumstances of cruelty, civil rage, and devastation hitherto unprecedented in the annals of mankind. We were not only to rob the Americans of their property, and make them slaves to fight our battles, but we made war on them in a manner which would shock the most barbarous nations, by firing their towns, and turning out the wretched inhabitants to perish in cold, want, and nakedness. Even still more, this barbaric rage was not only directed against our enemies, but our most zealous friends. This he instanced in the late conflagration of the loyal town of Norfolk, in Virginia, as administration had so frequently called it, which was reduced to ashes by the wanton act of one of our naval commanders. Such an act was no less inconsistent with every sentiment of humanity, than contrary to every rule of good policy. It would turn the whole continent into the most implacable enemies. It would incense our friends, and render our enemies at once fierce, desperate, cruel, and unrelenting. It disgraced our arms; it would render us despised and abhorred, and remain an indelible blot on the dignity and honour of the English nation.

His grace stated some passages in the treaties, and commented on them very fully, where such passages explained matters which might be productive of disagreements between the foreign and native troops, and stated the omissions that had been purposely or ignorantly made, particularly in regard to a cartel for the exchange of prisoners. He said that matter had been totally passed over in silence; and if any punishments should be inflicted on those who, by the language of parliament, were called rebels, the consequences might be dreadful. He alluded

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to the case of Ethan Allen, who being found in arms, was brought home prisoner, yet administration dared not bring him to a trial, even under their favourite Act of Henry 8, either because they knew that he could not be legally tried, or feared an English jury could not be prevailed on to find him guilty. Be that as it may, the present treaties were extremely defective in that point; and if administration were not obstinately determined to act wrong in every particular, they would endeavour to provide against the numerous inconveniencies which must arise from a want of a cartel.

He concluded, by informing their lordships, that what he was now going to state might be deemed improper, as exposing our national weakness; but if it was essentially necessary, he presumed that objection would be removed; and if the objection could be removed on the ground, that France was perfectly acquainted with the present state and condition of the national force now within the kingdom, that would be another good reason, that nothing respecting our means of defence should be concealed. He then said, that the whole of our military force, now within this kingdom, consisted of the foot-guards, composed of sixty-four companies, amounting to 2,500 men, 1,000 of which were destined for America; three regiments of horse and body guards, of about 1,500; four battalions returned from America, with officers only, at about 100 each; ten regiments of dragoons, of 200 men each; and three complete battalions of infantry, the whole amounting, allowing for the 1,000 men draughted from the guards, to about 7,000 men. Supposing, then, that 3,000 of those were put into the garrisons of Plymouth, Portsmouth, and Chatham, the remainder fit to take the field, after a sufficient number was left to guard London, allowing 1,000 for each place, would not be above 3,000; which, he contended, would be totally inadequate to any military operation, should France and Spain think proper to take an advantage of our defenceless state. He said, indeed, that a militia was to be raised, in order to supply this deficiency: but however constitutional that mode of national defence might be, he insisted that it would never answer any purpose of repelling a powerful enemy, while it continued to be so disgracefully conducted as it was at present, when unqualified officers were admitted on one hand, and substitutes on the other. Besides, though the militia had been officered and manned much better, it could not be expected that they could face a veteran army, superior in numbers and discipline. And as for the invalids, every man among them almost, fit for real service, had been already draughted; so that on the whole, the picture which such a scene of internal weakness, joined with a few ships not half manned, presented, was most dreadful. It was however necessary to bring it forward, to see if any thing could stimulate our governors to provide for our national safety, and prevent us from falling a prey to our dangerous and ambitious neighbours.

The Earl of *Suffolk*. I cannot say, my lords, that the noble duke who made the motion, has stated one solid objection to the present treaties, or pointed out a single instance in which our former treaties have been materially departed from. His grace has taken great pains to swell the account by several items, which do not properly belong to it; but if they did, they would not prove a tittle relative to the comparative dearness or cheapness of the terms on which the troops have been procured. The tenor of the treaties themselves are no other than what has been usual on former occasions. The present, it is true, is filled with pompous, high-sounding phrases of alliance: but I will be so ingenuous as to confess to the noble duke, that I consider them merely in that light; and if he will, I allow, that the true objects of those treaties, is not so much to create an alliance, as to hire a body of troops, which the present rebellion in America has rendered necessary: I will likewise give this general answer to his grace, relative to the comparative expence, that should the war be terminated in one year, the bargain will be manifestly advantageous, because we shall pay but one year's double subsidy, which is equal to two years single subsidy. If the war should continue two years, in that event we shall neither gain nor lose, because two years double subsidy will be equal to four years single, the usual term stipulated in former treaties; and if the war should continue longer, I confess that the terms would, in that event, be disadvantageous. But, my lords, though the terms were really as disadvantageous as the noble duke has endeavoured to represent them, if we wanted the troops, we should have been obliged to acquiesce. The proper question is,

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Whether we do want them? I must declare for one, that I think we do; and as such, am happy that we were able to procure them on such beneficial terms. Besides, the noble duke seems to forget, that even on his own principles foreigners are much more proper to be employed in this war than natives; for if the war be just, of which I have no doubt, and that troops must be employed, and that foreigners can be more easily had than natives, the measure will follow of necessity, and can be fairly justified on that ground. The noble duke, alluding to a passage in the Hessian treaty, says, that the troops being under the command of a senior officer, the supreme command of the whole army will naturally devolve on him, when the British commander in chief happens to be a junior officer. I do not pretend to speak from my own knowledge; but I would appeal to any noble lord in this House, acquainted with military matters, whether the commission given a commander in chief, does not supersede any other; and whether of course a young major-general, acting in that character, will not thereby have an absolute and supreme command over every officer in that service, be his rank what it may. The noble duke says, we brought over Ethan Allen in irons to this country, but were afraid to try him, lest he should be acquitted by an English jury, or that we should not be able legally to convict him. I do assure his grace, that he is equally mistaken in both his conjectures; we neither had a doubt but we should be able legally to convict him, nor were we afraid that an English jury would have acquitted him; nor further, was it out of any tenderness to the man, who I maintain had justly forfeited his life to the offended laws of his country. But I will tell his grace the true motives which induced administration to act as they did. We were aware that the rebels had lately made a considerable number of prisoners, and we accordingly avoided bringing him to his trial from considerations of prudence; from a dread of the consequences of retaliation; not from a doubt of his legal guilt, or a fear of his acquittal by an English jury.

The Earl of *Coventry*. I do not rise to speak to the present treaties, further than they relate to the measures now pursuing relative to America, which I shall ever continue to think impolitic. Not that I think the wisest or best concerted measures ever planned, can avert the destruction which, from the nature of the increasing power, wealth, and population of the colonies, is, in my opinion, inevitable. It is in the body politic as in the natural body, the seeds of dissolution are contained in the vital principles of both. Sooner or later the event must happen; and the greatest stretch that human wisdom can effect, is no more than to prolong the duration of one, as the greatest care and attention, joined with the best native constitution, may do to prolong the other. If you look on the map of the globe, and view Great Britain and North-America, and compare the extent of both; if you consider the soil, the harbours, rivers, climate, and increasing population of the latter, nothing but the most obstinate blindness and partiality can prevail on any man to entertain a serious opinion that such a country will long continue under subjection to this. The question is not, therefore, how we shall be able to realize such a delusive scheme of dominion, but how we shall make it their interest to continue faithful allies and warm friends. Surely that can never be effected by fleets and armies. On the contrary, instead of meditating conquest, and exhausting our strength in an ineffectual struggle, we should vote a thanksgiving, and wisely abandoning all wild schemes of coercing that country, we should leave America to itself, and wish to avail ourselves of the only substantial benefit we can ever expect to derive from it, the profits of an extensive commerce, and the strong support of a firm and friendly alliance for mutual defence and assistance.

The Earl of *Carlisle*. I trust I shall obtain credit when I assure your lordships, that no consideration should induce me to give a negative to the motion, if I had not been perfectly satisfied of the necessity of the measures carrying on against America. It is not, in my opinion, a mere question of party, but involves in it the ruin or salvation of this country. If we should concede, so as to relinquish every substantial benefit which we might derive from our political sovereignty and commercial controul over our colonies, what will be the probable consequence, but that this country, deprived of the advantages of an immense commerce, will gradually sink into obscurity and insignificance, and fall at length a prey to the first powerful or ambitious state, which may meditate a conquest of this island? If we consider the present condition of several of the great

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powers of Europe; if we reflect on their strength and immense resources; if viewing the map we see the figure Great-Britain cuts in respect of extent of territory; if we collect the whole into one focus, and connect the ideas of their strength, and our own native imbecility, should America be torn from us, the prospect is indeed dreadful! It is therefore, in my opinion, a measure, not only necessary to the vindication of our honour, but even essential to our very existence as a people. It calls on us to strain every nerve, to bring America back to her duty, and to secure to us her subordinate dependence. I have not a doubt of the necessity of coercive measures in the present disposition of America; and I am persuaded that the number of hands required to carry on our manufactures, the little use of new levies, and the desire every friend to his country ought to have to put a speedy determination to the present unhappy troubles, create an evident necessity for the employment of foreigners, in preference to native troops.

His R. H. the Duke of *Cumberland.* My lords, I shall not enter into the whole field of the American debate, which has been so ably discussed by your lordships: but as I have constantly opposed these oppressive measures, I heartily concur with the motion made by the noble duke, because it is full of respect and duty to the crown; strongly reprobating the misconduct of ministers, and laying the basis for a happy reconciliation between Great Britain and her colonies. My lords, I lament to see Brunswickers, who once, to their great honour, were employed in the defence of the liberties of the subject, now sent to subjugate his constitutional liberties in another part of this vast empire.

The Duke of *Chandos.* The noble duke who made the motion, has charged the supporters of the measures respecting America with favouring designs subversive of the liberties of their country. I do assure his grace, if I thought the measures had any such tendency, neither his grace, nor any noble lord, would be further than I from affording them the least countenance. It is because I am satisfied, that those measures are necessary and constitutional, that I have uniformly given them my sanction; and I will add, that I am no less convinced of the propriety of the measures, than of the high integrity and abilities of those who have advised them. The noble duke has thrown out ill-founded insinuations against the whole body of the militia. As a lord lieutenant of a very respectable county, I find myself included in the censure, and look upon my honour very materially wounded. I am certain I can answer for the corps which I have the honour to command; and have reason to presume it is universally so throughout the service, that no officers but such as are duly qualified to serve are admitted.

The Duke of *Manchester.* My lords, after the accurate detail given by the noble duke, of the Treaties now before the House, I will not detain your lordships by a recapitulation of particulars; nor indeed do I think it very material to except against particulars of a Treaty, where the whole appears to me greatly reprehensible; or to cavil with ministers on little articles, whilst charges of a heavier nature may be laid to their account. The information given to us in his Majesty's speech at the opening of the session, of the introduction of foreign troops into the garrisons of Gibraltar and Mahon, without the previous consent of parliament, gave me a serious alarm. The unconstitutional doctrine held in this House, setting up the power of the prerogative above the power of parliament, the attempt to introduce foreign troops into Ireland, without even asking the opinion of the British parliament, all concur to bear strong testimonies, that an abridgment of British, as well as American liberty, would not be disagreeable to some of our present rulers. Long has this nation survived the loss of that liberty, which was once the lot of her neighbouring European kingdoms; but, my lords, there is at present such an indifference to serious things, such a love of ease and luxury, which gives to ministers an almost irresistible sway, that I doubt this country is very near that crisis, when she will passively surrender all those rights her ancestors held most dear. My lords, I am not vain enough to think that I possess any power of speech to awaken to public zeal, but with your permission I will submit to you some reasons, drawn from state policy and convenience, why we should not be too eager to push on this war. My lords, whatever was the original cause of the war, whatever were the claims of Great Britain, or however unjustifiable might be thought the resistance of the colonies to those claims, no impartial man can say, that in nothing has Britain been to blame. But waving this disquisition, let us consider the present situation of

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affairs. The events of the last campaign shew us, that the war will not be of very easy conclusion; though we allow the British troops to have been successful at the attack on the heights of Charlestown, yet was that success dearly bought, and greatly balanced, by the loss of forts, of garrisons, I might say of nations. The defection from government has been total; total, my lords; for besides the desolated prison of the British troops, the devoted Boston, and the town of Halifax, kept in awe by a large garrison, what remains to government of all the continent of America, as far as British colonies extend? Nay, my lords, the misfortune has spread further, the conquests of the last war, so dearly rent from France, are mouldering from us; and though we have reports, that the provincial arms have met a check at Quebec, great part of Canada owns another master. Still are we bent to push on an invading war, against a powerful enemy, with every circumstance against us but the advantage of our fleet. Let us now consider the means we have to prosecute this war. The British troops, we find, fail not, my lords, in point of courage, but they shew an honest backwardness to engage against their fellow-citizens. To Germany we have recourse for assistance; 17,000 German mercenaries are at last obtained; with these and a small British army, many of whose regiments consist entirely of recruits, some of whom are of the worst description, for I have been told that even the prisons have been ransacked to augment the number, is this country to engage a nation, who are enthusiastic in their cause, have no hopes but in success, are united by every tie, have every stimulative to courage, that shame or ambition can give an army of brothers. The mercenaries we employ, for they may be justly called so, since that man must be deemed a mercenary soldier who fights for pay in the cause in which he has no concern, are a motley band of various nations, who are yet in Germany, are yet to be conveyed across the Atlantic; some will perish in the way, some desert, but I will suppose the remnant landed on the American shore. Will conquest immediately follow? Impossible to expect it. If the generals know their duty, the first employment they must have, will be to secure a post, in case of disaster, to establish a place of arms, to endeavour to form magazines. Else whence can this army be supplied with provisions? Is it from England; from the English fleet? The fleet cannot sail within the land, cannot go up the rivers; so that the army, without magazines, cannot possibly quit the coast, and great part of the campaign must be spent in preparations. My lords, we must look upon this war as a war of conquest. It is too late to treat the Americans as rebels; they are a powerful nation, a formidable enemy. The army must be divided, for many are the forces with whom they are to engage. Are we certain, that even the troops proposed to be employed, will not be opposed by greater numbers? Can we conceive one campaign can end the war? My lords, there is another very material consideration, on which I will touch but gently, for I wish not to add to embarrassments: are ministers certain they are prepared for the expences of the war? The great annual outgoings, the public debt, were at the close of the last war thought a sufficient reason for accepting a peace, certainly inadequate to the glories of the war. In 13 years peace some saving has been made; the expence of the ensuing campaign promises to swallow up the whole of that saving. Thus, in point of revenue, are we in the situation we were at the end of the war. But we have lost the American trade, without an equivalent. The trade of the last year to supply the Spanish flota, and the demands through Russia, will be no lasting resource. The one is over, the other, I am informed, declines. The additional tax laid upon land, will, it is supposed, not pay the expence of the conveyance of the troops. If ministers should be obliged to anticipate the taxes, if the Bank should be induced to lend the assistance of their credit, if the taxes should fall short, if any unforeseen calamity should happen, might not the public credit receive as rapid a shock, as within these few years befel the India Company? In short, my lords, the difficulties are so numerous, that one should be inclined to think some fatal evil influence confounded the wisdom of our counsellors. My lords, I read in Holy Writ, that when Ahab, for his sins, was devoted to destruction, the host of heaven was assembled before the Lord, and the Lord said, "Who will persuade Ahab to go up, and war against Ramoth Gilead, that he may fall there? And an evil spirit said, I will go forth and persuade him. And the Lord said, Go, and thou shalt persuade him." I shall not, I hope, be thought irreligious, if I

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apply this allegory to the British nation. It does seem, as if in punishment for their offences, they were condemned to go and war against their brethren in America, and to fall there. I wish the application may not prove just, and yet, my lords, every thing gives it the appearance of truth. No measures taken to bring the war to a conclusion; no plan effective to force the Americans to accept the terms we are pleased to prescribe; a war of detail, of partizans, that can lead to nothing but to perpetuate rancour and animosity. I am informed, by the late dispatches from Virginia, that the governor, who has long quitted the residence of his government, to hold his state aboard a cruizing ship, has had the notable success of firing the town of Norfolk, the largest in Virginia. I make no doubt he has a commission for what he does; I do not mean his commission of governor, for that is a commission to protect those over whom he is appointed to preside; but a commission to destroy, to burn the towns, to ravage the plantations, drive off the slaves, to kill those that resist. These are the warlike achievements of the governor of Virginia! But as I do not doubt he has orders for what he does, far be it from me to condemn an absent man. But I cannot think well of those who from hence command this wanton ruin, this unnecessary ravage, this useless desolation. My lords, I must farther take notice of one extraordinary particular, that this town was supposed to contain many friends of government; and yet such is the determined vengeance, that even friends are fired upon, in hopes of hurting the enemies intermixed, and all are involved in one complicated destruction. Can ministers think, that after this proceeding, one friend to government will remain in America? Can they expect, that any one, blessed with common sense, will espouse their cause, when they do not protect those who mean obedience? My lords, I am for these reasons a hearty supporter of the noble duke's motion, and particularly because it leads to that peace, that all must allow desirable. I am the more earnest, as I am convinced it is still to be attained. Provoked as the Americans have been, they wish for reconciliation. They dread to be forced into independency. They would even buy that peace, not at the price of their liberty, that must be secured to them; their purse and property must be their own: but I have good grounds to think, could they be certain of being dealt with by people who were sincere, whom they could trust, they would submit to all necessary regulations of commerce; nay more, they would assist the state with a revenue, but they must raise it themselves; they must not be taxed from hence. My lords, when men are in such a disposition, I will add no more, but that if we blindly reject them, we do not know the value of that people we thus for ever wantonly cast from us.

The Earl of *Effingham.* My lords, I shall take up much less of your lordships' time than I expected to do, on the exorbitant terms of the treaties; as the noble duke, who moved the address) has already sufficiently proved the unreasonableness of them. I shall only make one observation on the subject, which is, that if these 17,000 men have the effect we are promised they shall, of subduing the Americans in one campaign; their pay, together with the subsidy, and the excess of the levy-money, above what is ever allowed in England, would furnish the pay and clothing of 40,000 men with their proper officers.

On the legality of these treaties I shall trouble your lordships a little longer. The first and most striking point is, the administration of justice being reserved to a foreign prince, within the dominions of the crown of Great Britain; the better to effect which, an executioner with servants, is part of the Hessian establishment, to be levied by Great Britain; and no exception, or limitation of this illegal power seems to have been thought of, even in case the civil government should be restored in America. The second great consideration is, the probability of a foreign general commanding in America; for though it has been said, that the commission of commander in chief will entitle our young major general to the command, yet it will not, I believe, make a senidr officer of spirit serve under him, though it may make him retire from the army. But in the Hessian treaty, there is, besides the lieutenant and major-generals, a general commandant. How are these two Sosias to settle the matter? I confess it appears to me liable to great confusion.

With regard to the stipulation of assisting Hesse if attacked, it is not a just war alone which we have engaged to enter into for the protection of the landgraviate; for, a case may happen, in which by a decree of the Imperial chamber, the directors of the circle are ordered to march into the country, to compel the landgrave to some act

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of justice or restitution, in which case, he will be, according to the 11th article, "actually attacked by force of arms, without having first used open force against him who attacks him;" and we must either excuse our breach of the treaty by our ministers' ignorance of the imperial constitutions, or else enter into a war, to subvert the liberties of the Germanic body.

With regard to the latter part of the motion, for suspending hostilities, I shall only state to your lordships some information which I have received from the best authority, respecting the resources of the provincials, and which I should think it my duty to lay before the House, even if it did not come immediately within the subject of our present debate. The first of our great mistakes seems to be in the number of their people: when the general congress had ordered returns of the number of inhabitants in each province, an idea prevailed that these returns were to be the measure of their quotas. It was proved at Boston that they only returned about four in five of their true numbers, and it was pretty certain that other places in New England returned a still less proportion; yet the whole number amounted to three millions and a half, it can therefore be no exaggeration to say that they considerably exceed four millions.

Their plan of finance is admirable for its solidity and simplicity. In September last, the general congress issued three millions of dollars in paper, for the security of which all property in the twelve colonies stands pledged. They will this summer lay a tax amounting to about a dollar per head, which will probably bring in most of their bills, which will be again issued in payment of the troops, &c. For the convenience of the individuals, each colony will issue about half a million in smaller bills, on its separate credit, which will be issued from the provincial treasury, where the continental bills will be received and returned to the general treasury. What a different paper credit is this from what is now weighing down this unfortunate country! How worthy is the plan of imitation, wherever the annual revenue can be made to bear any proportion to the annual expence!

In the summer of last year, the general congress fixed the price of powder and other stores, also of provisions, &c. 100lbs. of good powder was rated at 50 dollars; for this the importer would receive, at his option, silver to that amount, or 250lbs. of flour, or in proportion of lumber or other provisions; this in the West India islands, would fetch 30*l*., so there is no fear of their being deprived of either their silver, or their supply of military stores. Some have doubted whether they had any silver, but they should consider, that besides the contraband trade, our army must furnish them with some millions of dollars in specie every year.

Those who doubt their meeting with foreign assistance would do well to satisfy themselves, that the agent from Madrid to Philadelphia had really no other business than to present the colleges in America with the labours of the illustrious translator of Sallust. It is also worth their inquiry whether or no the French merchants have bought American commodities with arms out of the royal magazines, delivered at 20 per cent. less than the current prices. Another idea has been that they wanted saltpetre. To obviate this, the general congress printed and dispersed an account of the best and simplest method of making it. In August last, a saltpetre work was become a necessary appendage to a farm, and no doubt is made, but from the numbers now established, saltpetre will become a considerable article of their future exports.

The management of the Indians was an early object of attention. The general congress considering what an unprincipled gang the bulk of Indian traders were, prevailed on a sufficient number of respectable men to undertake that trade. The natural event was, that the former traders were execrated, not without some reflections on those who should have prevented, not encouraged, the abominable frauds they had been subject to.

I should now wish your lordships to advert to your situation nearer home. The Spaniards are again armed, and France has also prepared a considerable force. May not their late misfortune at Algiers make them wiser; if zeal for religion be supposed to actuate them, is it not possible that France may convince them, that by going to Ireland they would serve both their spiritual and temporal interests? I appeal to a noble viscount in my eye, if more than half that kingdom is not in their interest; they would be joined by numbers, the moment they land, between Cork and the Shannon; and what force have you to oppose them either by sea or land?

My lords, I never can stand up in your lordships' presence without throwing in a

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few words on the justice of this unnatural war. The principal foundation on which it rests, is an idea which has been with much pains promulgated of late, that taxes are not *de gratiâ* but *de jure;* that the necessity of the state gives to the legislative body a right to impose them, and that the people have no right to withhold them. I need no other proof that these principles are encouraged by government, than that books published by persons who enjoy pensions and favours contain them, while there is no instance of any court favour being extended to any of those who have laid down other doctrines. Indeed, my lords, the situation in which some of these libellers of the constitution are placed, decency forbids me to name: but this I will assert, that whatever doctrines others may hold, and whatever name they may please to give to their own principles, the moment I am satisfied of the truth of these arguments, I shall become a most determined and zealous Jacobite, and shall hold myself bound in conscience and honour, to go all lengths, and risk all I hold dear as an Englishman, in atonement of having approved the Revolution and sworn allegiance to the House of Brunswick.

Earl *Talbot.* The noble earl who spoke last has certainly hit off one leading feature of the Americans. His lordship tells you, that even in the midst of their zeal for freedom and independency, they were not able to conquer their natural propensity to fraud and concealment. He tells you, that to evade the order of the congress for supplying their quotas of men and money, they purposely concealed their real numbers. However I may differ from the noble earl in the deduction he has drawn from this fact, I am not permitted to doubt the truth of it, as coming from a person in whose estimation they bear so high a place. This with me would be the strongest reason imaginable for not trusting to their professions, when it is seriously stated, that they are to be held by no ties whatever, not even by their most sacred engagements to support a cause, which they deem essential to their very existence as a free people. They have had all along a reluctance to order and good government, since their first settlement in that country, and I am every day more and more convinced that this people will never be brought back to their duty, and the subordinate relation they stand in to this country, till reduced to unconditional submission. Let them promise or hold out what present convenience or future views of independence may suggest, believe me, my lords, they will never give up their favourite object, till they are fully convinced, that the object is unattainable. No concession on our part, no lenity, no endurance, will have any other effect but that of increasing their insolence, and encouraging them daily to rise in their demands. They have been obstinate, undutiful and ungovernable from the beginning. They began to manifest this spirit so early as the reign of Charles the 1st. They disputed our right of fishing on their coasts, in the times of the Commonwealth and Protectorate. But was this claim to exemption acceded to on our part, or this privilege inseparably connected with sovereignty, relinquished? No: then, as now, they were treated as presumptuous and ridiculous. Indeed, the principle of absolute, unconditional supremacy, was so fully established in the reign of Charles the 2nd, that what by some people establishes a right on our part, of partial taxation over the province of Pennsylvania, was at the time granted as a favour to Mr. Penn, who then had a strong personal interest with the sovereign. Penn was a sensible penetrating man. He knew the power to tax existed in the sovereign; he therefore got the right transferred to the parliament, lest he or some of his successors, should suffer under a tax laid on at the will and discretion of the sovereign for the time being. This right was first vested in parliament at the Revolution. It was not, to be sure, a full parliament, but a Convention, which laid a foundation for the privileges the nation now enjoys. From that time, the right has continued clearly in parliament, in the three branches of the legislature conjunctively; so that taking the right of taxing, as derived from the sovereign through parliament, in the manner here described, or considering it inherently existing in the whole legislature, as part of its very essence, the effect would be the same; for still it comes to this, that the supreme power retains the sovereignty over its several subordinate members, and of course among the other various powers which it possesses, is constitutionally entitled to exercise the right of taxation, whenever the common interest or exigencies of the state may render the exercise of such a right necessary.

Earl *Temple.* Your lordships have been

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so repeatedly persecuted by debates on American questions, and I have so frequently given my opinion upon these questions, that I could most willingly have spared you this trouble; but with a heart feeling as warmly as mine does for the honour and interest of my country, and accustomed to view her in the highest point of glory, I cannot be an indifferent spectator of her unexampled distress; nor can I suffer my opinions, in so arduous and delicate a situation, to be collected from sentiments expressed by any man, or set of men, whatsoever. I desire to stand or fall in your lordships' opinion, and that of my country, by those I deliver myself. I am clear, my lords, as to the right this country has to exercise its sovereignty over America by taxation. I had no hand in passing the Stamp Act, in the Declaratory Bill, in the Bill laying duties upon tea and other commodities, in the partial repeal of that Act, nor yet in the insanity of sending the tea to America without repealing the duty. From these and other causes, together with the imbecility of administration, this country is reduced into a situation so deplorable, that the wisest man in the kingdom can propose nothing that promises an honourable issue. I feel that I speak in fetters; I therefore will not press arguments on either side to their full extent. The next easterly wind will carry to America what shall fall from every lord in the House. I do not wish that the nakedness of my country should stand confirmed by the authority of testimonies given here. It is a time to act, and not to talk. The die of war is cast, the sword is drawn, and the scabbard thrown away. With great respect to your lordships, wise as you are, and no doubt the great hereditary council of the king and kingdom, yet allow me to say, you are not enabled to decide upon matters of such transcendent difficulty, without having the fullest materials before you, which you most certainly have not. This is a question for the ministers to decide, who must be supposed to have the means of the most ample information: the execution will likewise lie with them. They have decided; and it is to be hoped that they have at last some well-considered plan. If I had the honour of being in the King's council, (which, thank God, I have not) I should expect the fullest information before I could decide; but decide I would, and abide by the decision. Retired, however, as I now am, and uninformed, I have not presumption enough to give an opinion, nor do I hold myself specially called upon to do it. My country is, indeed, reduced to a deplorable situation. We are driven between Scylla and Charybdis, and it will be transcendently difficult to steer the vessel of the state into a safe port. I must be allowed freely to confess, that I have not a good opinion of the King's servants. Past experience will not justify confidence; I cannot, therefore, answer to myself or to my country, to trust such men with the expenditure of ten millions. Nor am I, on the other hand, so friendly to them, as by declaring our utter inability to reduce America, to furnish them with a golden bridge for concluding an ignominious peace, on any the most ruinous and disgraceful terms. I cannot consent to throw this once great and glorious country at the feet of America; and there humbly implore such peace as she, in her magnanimity, shall condescend to grant us. To those who lament the present melancholy state of the colonies, once so prosperous and flourishing, beyond the example of any others known in the annals of time, I cannot help observing, that I rejoice in the testimony, because it does honour to the government of England, under whose care and influence they had prospered so wonderfully. I do verily believe, that till the late troubles, they had infinitely less to complain of than the mother country herself; and that, separated as they are by the vast Atlantic, it was not in the nature of things, that there must not be much to complain of, though not sufficient to justify their ingratitude to the parent state. I cannot blame a determination to make peace, sword in hand; the sooner it can be had upon reasonable, safe, and honourable terms, the better for both countries. I never did declare, whether I thought it was consistent with sound policy to impose any tax upon America, and it will hardly be expected that I should decide it now. I have heard it called an unjust war; I know not who in this House have a right to call it so; not those who voted for the Declaratory Act; those only who denied our right of taxation, and how very few were they! [only five.] Negotiations of such importance and delicacy cannot be transacted with too much secrecy. I cannot, I own, approve of recalling your troops, and publishing the terms to which you will yield, till there is reason to be well assured that they will be accepted.

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Infinite sagacity and discretion are necessary to the attainment of what all alike, I am persuaded, must eagerly wish. When the favourable moment for conciliation shall arrive, I hope the ministers will seize it, and I sincerely wish them success. At least at such a crisis, I will not hang upon the wheels of government, and thereby render what is already but too difficult, the more impracticable.

Viscount *Townshend.* Having at first entertained doubts relative to the claims of this country over America, I gave the subject for some time all the attention in my power. I considered the several charters. I examined the relation both countries stood in towards each other. I looked back to the infant as well as the more mature state of the colonies; and was at length convinced that America was bound by every rule of justice, and every tie of gratitude and political obligation, to contribute towards the common support; and consequently that America, from the beginning, had been the aggressor. But, my lords, though the right of Great-Britain to controul every part of the dominions of the crown, were to be questioned; though the charters were binding and valid, to the extent contended; still the state of things is such, as renders it impossible to look back to the causes of this war, so as to answer any wise or salutary purpose. The justice of the cause, is lost in the din of war. The noble earl who spoke last has told you very justly, that it is now become a struggle for power; the die is cast, and the only point which now remains to be determined, is in what manner the war can be most effectually prosecuted, and speedily finished, in order to procure that unconditional submission, which has been so ably stated by the noble earl with the white staff (earl Talbot). I know of no method so probable to insure success to our operations, as that now adopted. By it, we procure an immediate supply of men. Men trained to the use of arms, and of course fit for immediate service. And I have no reason to doubt, that the measures pursuing will put an end to the war, in the course of a single campaign. A noble earl has appealed to me, in relation to the present disposition of Ireland: to which I can only answer, if any disturbances should break out in that kingdom, they must be suppressed. I do not believe they will; nor have I any reason to think such an event at all probable. His lordship has stated his apprehensions of a French or Spanish invasion. That too, I think equally improbable. France will be cautious of making any attempt of that kind, as long as she remembers the defeat and destruction of the armament sent there under Thurot, during the late war. But supposing that the noble earl's fears were well founded, in my opinion, it would be an additional motive to induce us to terminate the war by the most decisive operations. The noble duke who made the motion, has said that foreigners were attempted to be forced on Ireland, and that it has been stripped of its national military establishment. As to the last, if it be a fault, it cannot be charged on the ministry of this country. It was an act of their own parliament; and if his Majesty had not bound himself by his royal promise, there was nothing to prevent him from sending the whole or any part of the military force stationed in that kingdom, to what part of the empire he pleased, if the exigency of affairs should make it necessary. In respect to foreigners, the very state of Ireland, as represented by the noble duke, would be a sufficient reason for his Majesty to send a body of foreigners into that kingdom for its defence, without advising with his parliament there; for I believe the noble duke will hardly contend, that the King with the advice of his parliament here, or on an emergency previous to such an advice, may not send a body of troops into any part of the dominions of the British crown, for its defence and protection.

The Duke of *Grafton.* The noble duke who made the motion has stated the whole of the business of this day in so accurate a manner, as to leave very little for me to add. I cannot, however, sit down without expressing my general sentiments on this very important motion. From the beginning of the present troubles I sedulously endeavoured to satisfy myself of the true ground of the dispute, to examine the respective pretensions of the parties, to procure the best lights the nature of the controversy afforded, and to form my opinion without partiality. The effect of those researches was, that I plainly saw the people of America, instead of being protected in their rights and secured in their property, would be left nothing which they could call their own, because no line could be drawn, to limit the extent of the claim. You could not say that supremacy shall exist for such and such purposes, and shall be restrained in its exercise in such and such cases; because

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the very instant you set limits to its right of taxation, you would annihilate the principle on which that right is founded, and consequently leave the question as undecided as ever. Taking it in the other light, that unconditional supremacy was of the very essence of government, similar difficulties, though arising from a different cause, presented themselves to my view; I mean the inexpediency of coercing America, and the impracticability of carrying coercive measures into effectual execution. I perceived that great allowances were to be made for a people who had been, as they thought, in the exercise of certain specific rights for more than a century. I was convinced of the bad policy of wresting those rights from them without any apparent cause. I evidently perceived the impracticability of the attempt, and the insurmountable difficulties which stood in the way of a project so big with folly and injustice. But let me go one step further, and suppose that the expediency and practicability were equal to the presumed justice of the cause, ought we not to look to our own abilities, to our resources, and compare the inconveniencies which must result from these measures, with the advantages we propose to obtain? I am tolerably acquainted with the finances of this country, and I do most solemnly assure your lordships, that I do not know a single tax which it is in the power of the most fruitful invention to devise or conceive, that would increase the receipt at the Exchequer. Every tax that can possibly be thought of will interfere with some other already in being. The nation is loaded to the full extent of its abilities; and what are you going to do? You are entering into a war, the success of which is problematical at least, if not improbable. To carry on this war new taxes will be necessary; and having no security to give, the consequence must be, that you will be obliged to pledge the old funds, contrary to public faith; or you will be compelled to contract new debts, which, if the war should continue for any time, national credit will be ruined and the kingdom undone. This leads me to a consideration of the first importance; it is the general indifference to the interests of the nation, which prevails among those to whom they are entrusted. A most alarming profligacy of manners, and unbounded love of pleasure and dissipation, have taken possession of almost all ranks and degrees of people. Ministers are trusted indiscriminately; parliament has surrendered or abandoned its right of controul, and all the great concerns of the nation are trusted to chance, or to men by no means fitted for the arduous task of government. How do you think, my lords, this will terminate? When the people find themselves borne down under the pressure of taxes; when public bankruptcy stares them in the face; when universal ruin and despair spread themselves through every part of this island? I will tell you, my lords: the people, no longer able to endure such calamities, and expecting no redress, will seek relief in the means which God and nature has pointed out. They will forbear to look up to parliament, because parliament has betrayed them, has been deaf to their entreaties, and inattentive to their interests. It may be answered, that the present measures are approved of by a great majority of the nation. I deny the fact; but though I should allow the proofs, they are very far from combating any thing I have now asserted. If the people have been lulled into a deceitful security, it proves my argument on the ground I have taken it up. It is not on the soundness of the measures, but on their fallacy and evil tendency, that I draw the present deductions. Besides, addresses, and the various means employed by men in power to obtain the public sanction, will never pass with me for a proof of their being the real sentiments of those to whom they are imputed; for at no time since the first establishment of the monarchy did this test of public opinion manifest itself more than during the greater part of the reign of James the 2nd. Addresses, congratulations, engagements to support him with their lives and fortunes, poured in from every quarter; yet that infatuated monarch fatally discovered, in the hour of trial, that they were but the mere efforts of ministerial art and court adulation. On the whole, my lords, considering this great question in all its different points of view, I can perceive nothing but inevitable ruin. I contemplate it with the most pungent anxiety; I turn my face from it with horror. These have been my sentiments from the very beginning, and I have uniformly acted conformably thereto. I have argued, prayed and implored that the wild, ruinous, and destructive project might be laid aside. I do now beseech your lordships, for the last time, to bestow some further consideration on the subject. The die is not irretrievably cast; the sword is

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drawn, but it may yet be sheathed. The proposition now made to you by the noble duke may open a field for peace and reconciliation. This opportunity once lost, I fear can never again be recovered. I would beg to recall to your lordships' recollection what fell from me in the course of the last year, when in another situation, (where I unhappily stood single in opinion) that I promised to submit a plan for composing the differences now subsisting between Great Britain and America to your consideration. Whatever has been urged by the noble lord in the blue ribbon to the contrary, I am convinced it is not yet too late, and that all the calamities which threaten the nation may yet be averted, if we will only, without distinction of party, undertake the performance of the arduous task with willing hearts and proper dispositions. As to the treaties, they have been so amply commented on, and fully explained by the noble mover, that I should have hardly troubled your lordships, did not I think it my duty to express my utmost astonishment at the language held by a noble lord, in whose department, as Secretary of State, this negociation must of course have been transacted. The noble lord rises to declare his ignorance, whether or not a commander in chief, appointed by his Majesty, or the commander of those foreign mercenaries, should have the supreme command? Did his lordship take upon him to negociate this treaty, without any one official requisite to conduct and conclude it? or has he first made the treaty, and after it is finally concluded, and made binding on the nation, does he come into this House totally ignorant whether he acted right or wrong, to receive instructions from such of your lordships as are conversant in military affairs, to know whether the whole of the British dominion in America is, or is not, to be under the absolute command of a foreign mercenary, at the head of 12,000 hirelings? But supposing his lordship should tell me, that the supreme command is vested in the commander in chief, though he be a junior officer, will he assure me, that the matter has been so understood by the landgrave of Hesse, or that his general is apprized of it? Or lastly, will his lordship inform me, whether sufficient provision has been made in case of death, or any other accident, to supply the vacancy with a succession of other officers, who may be eventually called to the command, by commission granted for the purpose; and that the prince and his general have been acquainted with this eventual arrangement, and have acquiesced in it?—I think it proper, before I sit down, to allude to one circumstance in which I took a part, but in which I was most egregiously deceived; I mean the vote I gave respecting the Massachuset's Bay Charter Bill. To induce me to give that vote, I was informed, that the alteration of the charter was at the express desire of the merchants, and a great majority of the people of property and consequence inhabiting that province. I have since discovered that I was deceived; for that the contrary was the fact. I would never have given my sanction to that law, if I had not been led into error by a false state of the matter; and though I unhappily fell into the snare laid for me, I am now free to declare, that the law for altering the charter of Massachuset's Bay, was in every respect oppressive, impolitic, and unconstitutional; and if coupled with the claim of taxation, I am fully justified in maintaining, that as one leaves the subject no property, the other deprives him of every natural and political right; and that they are both equally destructive of the inalienable privileges of an Englishman, and the natural rights to which all mankind are entitled.

The Earl of *Suffolk*. I did not say or mean, that I had any doubt whether the commander in chief, though a junior officer, had a right to command the Hessian general. I positively asserted he had, and only referred to the noble lords present, conversant in military affairs, in proof of that assertion.

The Earl of *Sandwich*. I did not intend to trouble your lordships on the present occasion, had I not been particularly called on by the noble duke who made the motion; and to set another noble duke (of Manchester) right, respecting some points on which he seems to be misinformed. My noble relation has informed your lordships, that the town of Norfolk, in Virginia, has been burnt and destroyed, and has accompanied his narrative with several exaggerated circumstances attending that affair. I will tell the noble duke how the matter really happened. One of our ships of war, being in great distress for water, sailed to Norfolk in order to procure it, and applied to the inhabitants, who, instead of complying with the common dictates of humanity, fired on the flag of truce, and killed or wounded two or three of our

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men. This occasioned what afterwards happened, and caused the town to be burnt. I do not believe it is yet burnt. The inhabitants of Norfolk were so barbarous, that the whole crew must have perished for want of fresh water, had it not been for the relief they procured by the distillation of salt water. It was not the man of war's men that burnt Norfolk; it was the inhabitants themselves. The Norfolk people set fire to the town. That is, the fire from the man of war set fire to part of it, and the inhabitants burnt the rest. The noble duke who made the motion has entertained your lordships a great while, relative to the appointing and superseding of officers. His grace has adverted to me frequently in the course of his observations. I will tell the noble duke, that he is mistaken in his facts and conjectures. Admiral Graves was not dismissed nor recalled; nor was there the least objection to his conduct as an officer; on the contrary, his Majesty, to shew the good opinion he entertains of his services, has appointed him a vice-admiral. As to admiral Shuldham being superseded in the supreme command, he never imagined that he was to command in chief. He only succeeded admiral Graves, and as the service was to be carried on upon a larger scale, it became necessary that more admirals than one should be employed; not that I know that admiral Shuldham means to remain on the American station. I assure the noble duke, that the appointment of lord Howe did not originate with me, though I think him a very deserving officer; I was not, however, over-ruled in the cabinet; for, understanding that his lordship wished for the command, I was happy in having an opportunity of furthering the appointment of so able and deserving an officer. The noble duke says, that the servants of the crown, who support the measures now pursuing against America, secretly disapprove of them, and express their disapprobation of them in private company. I do not pretend to say what company the noble duke keeps, who so confidentially impart their opinions to him; but this I will venture to affirm, that I converse both publicly and privately with them all; and yet I never heard one of them express the least disapprobation whatever of the present measures. The noble duke says, that though we have ships, we have not men sufficient to man them. In this he is equally mistaken; for out of the whole complement of able seamen necessary for the 20 guardships, there are only 500 wanting; and so far from the men being averse to the service, this very deficiency in the complement of the guardships has arisen from a most uncommon alacrity in the men to serve on the American station. On the whole, the 500 men deficient of the stated complement aboard the guardships could be procured in a few days, which with the ordinary seamen and landmen would enable the twenty guardships, that are all of the line of battle, to proceed to sea in the course of a week.

The Earl of *Shelburne*. An insinuation, my lords, has been thrown out, in order to give a sanction to the present measures, that a certain noble earl (of Chatham) whom I do not this day see in his place, has changed his former opinions respecting them; but I will venture to affirm, without any direct information on that head, that it is ill-founded. In the several conversations he has done me the honour to hold with me on the subject, nothing tending that way, has ever escaped him: besides, his motion, and the consequent step taken by his lordship, which remain on your lordships' Journals, put the matter beyond doubt or uncertainty. His plan, since the commencement of this business, has been conciliation not coercion. So much has been already said on the subject of the treaties, that I shall trouble you very little further than to express my astonishment at a language which has been held this day, in relation to the employment of foreigners. It creates double wonder, when coming from the supporters of the present measures, against whose professed system of policy it militates in the most marked contradiction. The doctrine is shortly this; when you have any extensive operations of war to carry on, keep your own men at home employed in your manufactures and agriculture, and trust the defence of the empire and commit the prosecution of your most essential interests to foreigners. Your country is small and insignificant, in point of numbers; the few hands you have are wanting at home; and should you employ them in war, your country would be ruined; the plough and loom must instantly stand still. Is this, my lords, a language to be endured? Can this doctrine be seriously maintained in this House, without subjecting its authors to ridicule and derision? Were those the sentiments which prevailed during the late war, when we had at one time no less than

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350,000 natives in actual service; and when the whole number we employed amounted to no less than 418,000 men? Will any man say that our manufactures stood still, for want of hands, when our imports increased full two millions annually, and when both our exports and imports exceeded any thing known in former times? Could we thirteen years ago spare 350,000 men, for carrying on the operations of war, and carry on our manufactures to an extent never before known; and shall it be this day gravely contended, that we cannot raise a fifth part of the number, without ruining our manufactures, which consideration obliges us to apply for assistance to two paltry German states, as the only means of procuring our political salvation? Such arguments would surprise me, coming from any quarter; but much more so, from a set of men, who have uniformly condemned all intercourse with the continent, all German subsidies and German connections. I remember a noble duke, now no more, who I looked upon to be a very able man, and a noble earl, both of whom have been mentioned in the course of this debate (duke of Bedford and lord Bute) during the late war, and at the conclusion of the late peace, held it as a point not to be departed from, that this country could subsist without any alliance to the continent. I know that a noble earl (lord Chatham) who conducted that war, was of the same opinion; and justified his conduct by frequently declaring in private and public, "that he did not bring us to the continent; that he found us there." We all know, that this system at last prevailed; and that it has been the uniform politics of the present reign to adhere to it. Shall we now be told, by the same men, acting up to the same rule, for more than 14 years, that the system is a bad one; that alliances on the continent must be formed; that we have not men sufficient to defend and protect it; and that if we had, we cannot spare them, without ruin to our manufactures? His lordship then turned his attention to the new levies, shewed how the principle of keeping up old corps established at the peace, had been departed from, by raising new corps; and how Highlanders had been recruited in London, and several parts of England, to fill up general Frazer's two battalions. He spoke of the ill-treatment and resentments of the king of Prussia and the emperor; and of our not having a single ally on the continent, of the least consequence.

Lord *Lyttelton*. My sentiments on the present subject are pretty well known. I shall only observe now, that lenient measures have had no other effect than to produce insult after insult; that the more we conceded, the higher America has risen in her demands, and the more insolent she has grown. It is for this reason that I am now for the most decisive measures; and am of opinion, that no alternative is left us, but to relinquish America for ever, or finally determine to compel her to acknowledge the legislative supremacy of this country. I do not pretend to decide, in the present situation of both countries, how far it may be expedient to insist on taxes, for the purpose of raising a revenue; not but it is evident, we are fully competent to demand them, and able to compel their payment. However it is plain, when they return to a proper state of obedience, that the right is with us, and that we may exercise it according to circumstances, and local convenience. In the event of our prevailing in this contest, it is the principle of an unconditional submission I would be for maintaining; not that I would be for pushing the consequences of this doctrine to its full extent. I think the right once fully acknowledged, Great-Britain ought by all means to secure to the people of that country, those privileges and immunities to which every native subject of this free government is confessedly entitled.

Lord *Camden*. Some allusions have been made in this debate to a fact, which has been misrepresented. It has been supposed that the noble duke in the blue ribbon, (duke of Grafton) and myself, both occupying high offices in administration at the time the duties were laid on in 1767, approved of the measure. I confess, as mere matter of supposition, his conjecture is plausibly supported; but the fact, I do assure his lordship, was entirely otherwise. I never did, nor ever will, give my consent to the raising any taxes, in any form, on the people of America, for the purpose of raising a revenue, to be under the disposal of the British parliament. As for the treaties, I shall beg your lordships' indulgence for a few words. If I understand them right, they contain an agreement with the landgrave of Hesse, duke of Brunswick, and prince of Hanau, for a certain number of troops for specific sums of money, accompanied by subsequent conditions of a double subsidy to be paid, in case the war should be terminated in a shorter time than that usually fixed for the existence

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of subsidiary treaties. To give this bargain the appearance of what it really is not, the whole is stuffed up with pompous expressions of alliance, founded in reciprocal support and common interest, as if these petty states were really concerned in the event of the present contest between this country and America. Now, my lords, I would appeal to any of your lordships, if the whole of this transaction be not a compound of the most solemn mockery, and gross imposition, that was ever attempted to be put on a house of parliament. Is there one of your lordships, who does not perceive most clearly, that the whole is a mere mercenary bargain for the hire of troops on one side, and the sale of human blood on the other; and that the devoted wretches thus purchased for slaughter, are mere mercenaries, in the worst sense of the word. This point once granted, look then on the present treaties in their naked and true light. Consider seriously the consequences which such a conduct on our part may probably be productive of. We not only pay dearer for these hirelings, than was ever known on any former occasion, but instead of availing ourselves of the advantages we might derive from treating with their respective sovereigns, hiring out their troops in the manner now alluded to, we have entered into treaties of alliance offensive and defensive: we have, in fact, pledged the faith of the nation, to all the eventual consequences of a continental war. But, my lords, even this measure, hazardous and impolitic as it is, is not what presses most forcibly on my mind, in the conduct of this wanton, cruel, and diabolical war; for if the arguments be true that have been urged by several of your lordships this day in debate, they amount fairly to this; that men are not to be had in this country, sufficient to give efficacy to the necessary powers of the state, nor assert the rights of this legislature; and that, consequently, the present treaties, however exceptionable, are the mere creatures of necessity. I question much the truth of this argument; but supposing it to be a just one, does it not fairly prove, that the salvation of this empire depends upon foreign assistance; and that all our boasted power, wealth, and every advantage derived either from our situation or form of government, are held under that precarious tenure. In short, that we can enjoy no one blessing of external strength, or domestic happiness, longer than our worthy mercenary allies on the continent think proper to permit. Now, for my part, I always was of a different opinion; for should the time ever arrive, in which our existence as a a nation depended on the assistance of foreign hirelings, from that instant I should deem our consequence as a sovereign state, and our liberties as a free people, no more. The history of all ages and nations prove the fatal effects of calling in foreign auxiliaries, but more particularly mere mercenaries, to fight their battles; and my memory hardly furnishes me with a single instance of conquest over any great state or empire, in which the conquerors were not first introduced into the country as friends and allies. This general truth, my lords, I allow does not directly apply to the present treaties; but the principle, were the national imbecility such as your lordships heard it described to be this day really just, ought to create cause of serious alarm. I cannot better express my disapprobation of employing foreigners, particularly to fight our domestic quarrels, than by quoting the opinion of that great man, sir Walter Raleigh. In his History of the World, he says, "that they are seditious, unfaithful, disobedient devourers and destroyers of all places and countries, whither they are drawn, as being held by no other bond than their own commodity. Yea, that which is most fearful among such hirelings is, that they have often, and in time of greatest extremity, not only refused to fight in the defence of those who have entertained them, but revolted to the contrary part, to the utter ruin of those princes and states who have trusted them."

My lords, great stress hath been laid on the comparative riches and strength of Great Britain and America, from which a conclusion has been drawn in our favour, and a consequence from that conclusion, that we must in the end prove victorious. I deny the fact. That we possess more of the precious metals than the people of America, I will readily grant; but that the materials for decorating palaces, or that administer to the luxuries or elegancies of life, are so much real riches; or that they constitute the real and efficient strength of a nation, is a doctrine I can never subscribe to. Particularly, when you have a people to contend with, who prefer real liberty to the empty shadow, and who despise those baubles and trinkets, when compared with the substantial and rational benefits of civil society, and domestic happiness. The native produce and industry

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of a country, I am bold to affirm, are what constitute its real opulence. The people of America have always been in possession of one, and the present inhuman and oppressive measures you have adopted, will necessarily teach them the other. The policy of former times was to improve the native advantages of the people of America to a twofold purpose; to encourage them to the raising raw materials for our own manufactures, or as objects of foreign commerce; and to render them as dependent as possible on this country, for all the wrought conveniencies of life. This was the inexhaustible mine, from which this country was wont to draw her resources. The immense profits derived from such a commercial intercourse, were the taxes we drew from that country; and those only will ever be, the substantial, constitutional benefits which can or ought to be derived from the legislative authority claimed by this country. What will be the consequence of this mad, bloody war? You will teach America industry and frugality. You will necessitate them to wear their own rough manufactures. You will create an emulation for excellence and improvement; and by shutting them out from your own ports, you will compel them to explore those of foreign nations. In fine, you will point out to them the advantages of a foreign commerce, of a frugal habit of living, but above all, the sweets of industry, directed to the establishment of new manufactures, and the improvement of old ones.

I would recommend to your lordships to seriously consider the grounds of the present quarrel, and the object meant in the end to be attained by it. Has it not originated in taxation? and is it not now gravely asserted, that the tax is virtually relinquished, but that a war of conquest, or an acknowledgment of an unconditional submission on their part, is the only alternative now left? What, then, is the true effect of this language, but that the present is a war of conquest? For the noble earl (Talbot) has told you, that this country ought never to recede, till America has consented to an unconditional submission; and consequently that our subjects in that country are to be reduced to a state of absolute slavery, or to be for ever separated and cut off from the dominion of the British empire.

But, my lords, referring back to the old question of taxation, for that I look upon to be the true and efficient ground of the present contest, what does that question present to your lordships' consideration? Why, that in the course of the present campaign, you will have run in debt ten millions, which is more than you have been able to discharge in the course of a 13 years peace; and if all your measures of conquest should succeed, that you will probably, at the end of another year or two, be thirty millions worse than when you began, and will be in the absolute possession of a ruined, desolated country, which, so far from being able to contribute to the discharge of your burdens, will become an additional one for a series of years to come. It has been urged, that none of those consequences will happen; that America, when she perceives that we are ultimately determined, will submit, and that of course our expences will cease with the cause which gave them birth. I should think there was something in this argument, if conciliation, not conquest, was intended; if the claims of America were patiently heard, and maturely considered; but is there one of your lordships who seriously believes, that those people will ever consent to lay down their arms, till vanquished, if no terms of conciliation or accommodation are held out to them? The idea is preposterous, and I am certain is not believed or expected by those who urge it. On the whole, my lords, I am heartily for agreeing with the noble duke's motion, because it will afford time for administration to treat; it will give his Majesty an opportunity of putting a stop to the further effusion of human blood; it will strengthen the hands of government, should America refuse such terms as Britain may consistently offer, and America reasonably and securely accept; and it will be the means of laying on foundations of strength and security, the greatness, opulence, and perfect union of the British empire, whether considered as one body, or in respect of its several constituent parts.

Viscount *Weymouth*. The noble duke in the blue ribbon, and the noble lord who spoke last, happened to be both in administration at the time the Act was passed, which laid on the duties that were the original cause of all the present disturbances. It is somewhat extraordinary that they should now complain of their own acts, and come before your lordships to condemn measures which, for any thing that appears to the contrary, originated from themselves, or at least received their sanction.

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The Duke of *Grafton*. I confess I occupied a very high and responsible post in administration when the duties in 1767 were laid upon tea, paper, painters' colours and glass. I am, however, extremely well pleased to have an opportunity of explaining what yet has not been effectually cleared up. In that year, when the extraordinary expences incurred on account of America were laid before the House of Commons, the House rose as one man almost, and insisted that that country should contribute to the burdens brought on by the military establishment there; and a motion was made for bringing in a Bill for that purpose. I strenuously opposed the measure, as big with the consequences it has since unfortunately produced. I spoke to my friends upon the occasion, but they all united in opinion that the tide was too strong to expect to either stem or turn it, so as to prevent whatever might be offered in that shape from passing into a law. Finding that all my efforts would be vain, I was compelled to submit, but was resolved, as far as lay in my power, to prevent the effect; and while I gave way, to do it in such a manner as would cause least harm: I accordingly proposed the tea duty as the most palatable; because, though it answered the main purpose of those with whom taxation was a favourite measure, it was doing America an immediate benefit, for I procured the shilling a pound duty to be taken off, and three-pence to be laid on it in lieu thereof; so that, in fact, it was nine-pence a pound saving to America. However, the attempt was received in America as I expected it would: it immediately caused disturbances, and universal dissatisfaction. In 1769, therefore, I moved in the cabinet for a repeal, and was out-voted (if I recollect right) by a majority of one. This, therefore, was the part I took in this fatal business. When the partial repeal was agreed to in council, I conjured my brethren in office to give up this paltry revenue; but, as I said before, I was over-ruled.

Lord *Camden*. For my part, I was not in council, or did not attend in the cabinet at the time this fatal measure was concerted; and as soon as I was apprized of the tendency of it, I expressed my hearty disapprobation.

Viscount *Weymouth*. The noble duke says, he was out-voted in the cabinet, and that there are some noble lords now present who took an active part on that occasion. The noble duke is very right; I was present, and am free to declare, that I was one of the members of the cabinet who gave my vote for having the tea duty retained. The noble duke forgets there was no majority, or casting voice; the numbers were equal. The other noble lord's apology is the most extraordinary that I ever heard: his lordship says, he was not present at the time it happened to be debated in council. Will the noble lord pretend to excuse himself as a cabinet counsellor on that ground? or if he could, can he pretend to defend himself in giving his approbation, and putting the question in every successive stage of the Bill to a measure, sitting on that woolsack as president of this august assembly, which he has asserted in the course of this night's debate, will be the certain destruction of this country?

The Duke of Richmond replied to the observations made on his speech; and the question being put, there appeared for the motion: Contents 29, Proxies 3—32. Non-contents 79, Proxies 21—100.

"Dissentient'—Abingdon, Ponsonby, King, Fitzwilliam, Archer, Portland, Effingham, Abergavenny, Camden, Richmond."

Debate in the Commons on the Scotch Militia Bill.] March 5. On the second reading of the Scotch Militia Bill,

Mr. *T. Townshend* said, he had been always averse to any further increase of a perpetual armed force, as it had been uniformly fatal to the liberties of every country where such a destructive policy was permitted to prevail. The liberties of France had been overthrown by a standing military establishment; and so had every free government in Europe. But if he had no fears on that account, he owned he had strong objections on the ground of expence, and the disproportion between the quantum of taxes paid by the people of the southern and northern parts of this island.

Mr. *Dempster* said, the expence would not be so great as some gentlemen imagined, as the whole number meant to be embodied, was no more than 6,000 men; who were to be paid out of the Scotch revenue. In answer to the great disproportion between the taxes, he urged, that except the land tax, all other duties and taxes stood upon an equal footing in both countries; as to the land tax, it was fixed by solemn and national compact at the Treaty of Union.

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Lord *John Cavendish* said, that if a militia for Scotland be at all necessary, it should be only on the condition of Scotland bearing the additional expence, and laying that burthen on her own lands, which were very low taxed, and not pay it out of the customs and excises, the produce of which was already appropriated. The militia was a force raised by the land-owners to defend their property; the expence was borne by them, and directly paid out of the land tax. The proportion which Scotland bore of that tax was hardly worth mentioning; one county in England paying more than the whole kingdom of Scotland. Besides, the share Scotland bore in national representation was not above the proportion of one to eleven; so that taking it in any light, either of taxation or representation, Scotland was entitled to no militia, unless she accepted of that privilege, and took it with all its consequences; namely, defraying the whole expence, or submitting to pay such a proportion of the land tax, as would entitle her to the favour she seemed so desirous of obtaining.

Sir *Gilbert Elliot* said, a well-ordered militia in Scotland would be the means of giving additional security to the whole island; and contended, if such a body of men had existed in 1725 and 1745, those rebellions would have been crushed in the commencement. It was the bad policy of those times, that those who were ill affected to the government were provided with the means of disturbing the public tranquillity, while those who were loyal subjects, were left at their mercy, naked and defenceless.

Mr. *Burke* said, that in his opinion, Scotland was neither properly taxed, nor fully represented; nor until she was, could she be entitled to the favour now desired. The numbers to be embodied in both kingdoms, was in a proportion of one to five, whereas Scotland did not pay above one-fortieth of the land tax, the very specific tax out of which the money for the pay and clothing the militia was to be drawn. He therefore could not possibly conceive how the people of that country could come to parliament, and expect that at least five-sixths of the expence should be paid by English land-owners. It was an absurdity on the very face of it; it was directly repugnant to the first principles on which a national militia was formed or paid. He had other objections against the Bill; one was, that it threw more power into the hands of the crown than had hitherto been thought consistent with public liberty. In king William's time, when one half of the kingdom were attached to their exiled prince, and when one of the most powerful ambitious monarchs that ever sat on the French throne, or any throne in Europe for several centuries, and who besides had a personal enmity to our newly-elected king, even in such a critical season as that, 7,000 standing forces were thought fully sufficient to protect this kingdom against all its open foes and secret enemies; and will any man pretend to tell us, that a standing force of five times the number, in times of profound peace, and an English militia of 32,000 men, are not, when none of those causes exist, fully adequate to every purpose of preserving domestic tranquillity, and of repelling any attempts of our foreign enemies?

Governor *Johnstone* allowed, that the land tax paid by Scotland, bore no proportion to the proposed number to be embodied, but that was but one tax; for in every other respect Scotland paid to the extent of her abilities; and though perhaps the other taxes did not rise in proportion as they had done in England, that proved no more than that the former had not increased equally in riches with the latter. The greatest part of the landed income of Scotland was spent in England, therefore in point of material benefit, the difference was very little to this country, whether that was taxed 3*d.*, or 4*s.* in the pound; for the money, the principal as well as part of the land tax thus remitted, ultimately centered here. The present Bill was in some respects better than the English Militia Act, because it contained a clause that no man should be permitted to serve twice as a substitute, which would be the means of training a much greater number of men to the use of arms.

Sir *Adam Fergusson* disclaimed all local prejudices: he did not take up the matter as a Scotchman, but as a Briton, because he believed it would be a means of procuring a complete national defence. He was surprised to hear so much said about the disproportion of the revenue of this country, when a moment's impartial consideration would point out, that a revenue could not be raised in two places on the same sum. The greatest part of the landed income arising in Scotland was drawn out of it and spent here. What matter, then, to this country, whether the money was collected in Middlesex or in the shire

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of Edinburgh? If it made any difference, it was the convenience of collecting the revenues on the spot. But besides the revenues acquired in this manner, how were they increased through the medium of our manufactures? Nay, he had no doubt, if the amount of the revenue, on the English manufactures consumed in Scotland, were properly stated, it would exceed the whole of the revenue, arising from the consumption of all North America. Look at the labouring man's hat, it is English. Look at his coat, it is English. His shoes, stockings, and buckles are all English. Look again at the wives and daughters of every rank, from the duke to the peasant, and their gowns, ribbons, &c. are all English. He observed that several persons of rank, who held offices of great profit in Scotland, resided constantly in England. In short, as the Treaty of Union had abolished the names of Englishman and Scotchman, and united them in that of Briton, he wished all local distinctions to be forgotten.

Mr. *Byng* was of opinion that no necessity existed for a militia in Scotland; and as there did not, he thought it would be only incurring an expence to answer no beneficial purpose whatever.

Sir *Cecil Wray* said he had been always for a militia, as the only sure and safe constitutional defence; that he had acted under the law for several years as deputy-lieutenant, and experience had convinced him how well suited it was to effect the purposes for which it was first established.

The Bill was ordered to be committed.

March 14. On the order of the day for going into a committee on the Scotch Militia Bill,

Mr. *Grenville* said, that not having had an opportunity of delivering his sentiments on this Bill, he would take this stage, and move an instruction which would at least obviate one of the many objections he had to it. He could not help thinking it incumbent on its supporters to evince the three subsequent propositions; 1. That the present situation of the kingdom required an extraordinary force of 6,000 men; 2. That this method to be adopted is the cheapest; and 3. That Scotland is the place, where, from local circumstances, these troops should be raised: As he could not agree to either of those three propositions, he said he should certainly combat every stage of the Bill; and proceeded to shew the inexpediency of it on those three grounds. He concluded by stating the expence of the proposed corps; the estimate of which for 28 days he stated to be 34,970*l.* and if embodied, the pay for 13 months would be 104,440*l.* to be paid, from a land-tax producing at 4*s.* in the pound, 47,954*l.* 1*s.* 2*d.* In answer to some assertions relative to the revenue of Scotland, he begged leave to produce some original papers, by which he stated the gross revenue of that kingdom to be so reduced by mismanagement of every kind, as to produce on the average of ten years, the very inconsiderable sum of 94,945*l.* clear of the barons warrants, drawbacks, and charges of management, of which sum the land paid 47,954*l.* the malt 19,280*l.* the customs and excise 13,555*l.* the stamps, seizures, crown-rents and other articles 14,156*l.* He next stated the demands even on this trifling sum, before it could be remitted to the Exchequer, for roads, fortifications, ordnance, staff and military establishment, all which were expences immediately incurred for that kingdom. He assured the House, that so far from undervaluing the Scotch revenue, he had in many instances even over-charged it, by taking it at the period at which it was the highest, and stating the land-tax at 4*s.* in the pound. He concluded by calling on the justice, the honour, and the generosity of that kingdom, to consent to a proposition which would not draw one shilling from their country, and which, if the Bill were to pass, would make the measure less obnoxious, and less invidious to England. He moved, "That it be an instruction to the committee, that they do make provision in the said Bill, for directing and enabling the commissioners to be named under the said Bill, to raise and levy, on their respective counties or places, such sums as shall be sufficient to defray the expences of the militia to be raised within the same, such cess or levy to be made in the same manner, and in the same proportion, as the land-tax has usually been levied in such county or place."

Mr. *T. Townshend* said, the words of the motion contained almost every thing necessary to convince every person who had considered the subject. If Scotland is to be put on a footing with England, in respect of constitutional defence, why not take the institution with all its consequences of pay, as well as establishment? The English surely would deserve to be both pitied and contemned, should they

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be such dupes to consent to so monstrous and unreasonable a proposition.

Sir *Adam Fergusson* insisted, that Scotland had as good a right to have her militia paid out of the taxes, as England. He was astonished how any man could seriously propose to tax them locally, for the purpose of paying their own militia, when they had for so many years contributed towards the payment of the militia in this part of the kingdom, though partially deprived of such an establishment themselves.

Sir *Gilbert Elliot* expressed his astonishment that gentlemen should think of making their militia a provincial affair; it was not intended as a partial benefit to a particular part of this island, but as a plan of general utility, and a means of security to the nation at large. He agreed to the hon. mover's account of the Scotch revenue; but contended, that great sums were spent in England by Scotch gentlemen, whom he would call resident absentees, and by persons who resorted to London for amusement or on business. Great stress had been laid on the circumstance that Scotland did not contribute proportionably to the land-tax with England; for his part he had no objection to the removing that impediment, nor did he doubt, if an equal land-tax took place, that Scotland, instead of being a loser by such a regulation, would be a very considerable gainer.

Mr. *Townshend* replied, that the arguments of the right hon. gentleman proved too much, or proved nothing; they proved that Ireland and America were taxed, because they purchased certain commodities in this country, nay, that every foreign nation in Europe, contributed to our burdens, because they are the consumers of some of our manufactures. In point of absentees and residents, the same argument held good; for he knew no part of the dominions of the British crown from which there were not persons constantly residing in London and other parts of England. He went further; he contended, that he did not know a county in England that might not urge the same plea with equal weight and plausibility. We pay duties, for we are the consumers. Our gentlemen of landed property are absent for nearly six months in the year; the produce of their estates is spent in Middlesex, therefore as we do not pay any thing like a proportionable share of the land-tax, give us a militia, but do not oblige us to contribute to its support. He insisted, that the militia would be better exercised, better disciplined, and in every respect more properly regulated, by making the tax local, as it would be a controul on the spot, and would thereby prevent those abuses which pass by unnoticed, when the support was to be drawn out of a general fund, in which no body of men could claim a distinct property. He spoke of the Highland independent companies, and observed what little service they were of, for at one time, when general Wade received them, they were found to be deficient at least one half, on which he reprimanded lord Lovat, and complained to his lordship by message, how very incomplete his corps in particular happened to be; to which Lovat replied, That signifies very little, I can have 1,200 men to turn out upon any service, whenever I please.

Lord *North* was against the motion. He said he never entertained an idea that a local tax would be proposed instead of a national one. He was of opinion that the proposed national establishment would be an additional security to the united kingdom, and as such should be taken up and supported on the most liberal ground.

The House divided: For the motion 54. Against it 67. The Bill was then committed.

March 20. On the order of the day for taking into consideration the report of the Scotch Militia Bill,

Mr. *T. Townshend* moved to put it off to this day four months. He said, it was to the last degree unreasonable to expect that England should bear the expence of a land-tax in so monstrous a disproportion. If Scotland wants a militia, in God's name let her have it, but let her pay for it. If she shuns the expence, either by way of a county rate, or contributing proportionably with this part of the united kingdom, to the very tax which is particularly appropriated to defraying the charge of the militia, what is that but in other words telling us, we want such an establishment, but we have the modesty to expect that you will agree to be at the expence?

Mr. *Powys* seconded the motion, and observed, that North Britain does not pay above the one-fortieth part of the land-tax, though the value of the lands is about one-sixth. The present Bill kept the last proportion in view, but made no provision for the maintenance of the militia, thus to be raised and embodied. Therefore, in his opinion, Scotland should have the option

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of contributing her full share to the land-tax and to have a militia according to that proportion, or of paying the militia by a local tax. If she refused to consent to either of those propositions, he trusted there was not one Englishman in that House, who could so far forget the duty he owed to his constituents, or the interests and honour of his country, as to vote for the Bill.

Lord *Mountstuart*, who brought in the Bill, supported it. He said, a national militia was the great constitutional bulwark of this kingdom, and why exclude any part of the united kingdom from contributing to the general security? He observed, that the people of England were trained to the use of arms, while Scotland was left weak and defenceless; that the land-tax was no fair criterion of what Scotland really contributed towards the common support, for her consumption of commodities, which paid duties here, was very considerable, and one half of the produce of the lands of that country, he believed, was expended in this. As a proof of the weakness of government there, he said a smuggling cutter with a few guns and 20 men, had last year come into the Firth of Forth, and landed her cargo in the middle of the day; that the excise officers applied for a serjeant and 12 men, but none were to be had, but such as were at so great a distance, that the smugglers had time to dispose of their cargo, and to retire unmolested, before the detachment arrived.

Sir *P. J. Clerke* was against the Bill. He said he could not imagine, however confident of their great power and influence the Scotch nation might be, how they could possibly expect, that besides paying their land-tax for them, we should likewise be at the expence of paying their militia.

Mr. *H. W. Hartley* declared his disapprobation of the Bill. He insisted, that the whole matter lay within a narrow compass. Is Scotland willing to support her own militia by a local tax, or by contributing proportionably to the land-tax; or is she not? If she be, I see no reason why she should be debarred that privilege. If she be not, I take it, she is not really in earnest, or she thinks that England is as forgetful of her own honour as she is blind to her interests, by even listening to such a proposition.

Mr. *Turner* said he lived near the sea, and had always observed that the militia were the greatest smugglers in the whole country, except another description of men the noble lord mentioned, the custom-house officers, and such as they secretly permitted, who were sharers in the profits.

Mr. *Stanhope* condemned the Bill throughout. He spoke of the expence, and the poverty of the nation, of the complexion of the Bill, and the unconstitutional power it would put into the King's hands, of disarming the militia at his pleasure, perhaps when their aid was most wanted. Is it possible that the noble lord on the Treasury-bench can come into this House, and give a Bill his countenance and support, by which such an expence is to be incurred, and at the same time assure his Majesty that we could not pay a civil list debt of 500,000*l.*? Or does his lordship think that the clause where the 3 guineas per man may be given, will recruit the army, and save the trouble and expence of sending a body of foreign mercenaries to America, to cut the throats of our fellow-subjects in that country? He then enumerated several of the expences incurred last year, and predicted that we must either lay on new taxes, or submit to pay a premium of 50 per cent. on our contracts, to the whole tribe of money jobbers, contractors, &c.

Mr. *Sawbridge* condemned militias in general. He said they could be no longer deemed a constitutional defence, under the immediate controul and direction of the people; for by the Bill passed before Christmas, they were rendered a standing army, as much as the body of men which passed under that name, the King having it in his power to call them out on the most frivolous occasions, and when they were embodied, of employing them in any service and for what purpose he pleased. He said he knew many of the gentlemen of Scotland, who were as warm assertors of freedom as any in that House; but the body of the people were in general tinctured with notions of despotism; their laws and education inclined them that way; he should therefore be unwilling to trust them with such an establishment; for when they once got arms in their hands, their dispositions uniting with their interests, might render them fit instruments in the hands of a treacherous, tyrannic and unprincipled administration. He instanced this in the spirit shewn in the addresses, which came from that country, where, though they did not say that they were ready to cut the throats of every man in America, they hinted pretty roundly that

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they were ready and willing, whenever his Majesty thought proper, to cut the throats of their fellow subjects at home. He observed, likewise, that the exception he made in favour of individuals, did not contradict his general assertions, for there were worthy valuable men in the most despotic countries; and that he believed more addresses were presented from Scotland, than there were towns, villages, and hamlets in the whole kingdom.

Lord *North* supported the Bill on the ground of constitutional defence. He could not agree in the construction put on the Scotch addresses. He could see nothing contained in them which would admit of such an interpretation. He imagined the hon. gentleman read and run, or otherwise he could not have possibly hit on such a construction as that they offered to cut the throats of their fellow-subjects, either at home or in America.

The House divided: For Mr. Townshend's motion 112; Against it 98. So the Bill was lost.

Debate in the Commons on a Bill for shortening the Duration of Parliaments.] March 6. Mr. Sawbridge made his annual motion, that leave be given to bring in a Bill for shortening the duration of parliaments.

Mr. *Turner* seconded the motion.

Mr. Alderman *Bull.* As I consider the question now before us of infinite importance, I cannot content myself with giving it a silent vote. The frequent instructions our constituents have given, to attempt in this instance a restoration of the constitution, is to me an additional recommendation of it. The livery of London, Sir, are the most numerous body of electors in the kingdom; and I can with confidence assert, that on this point the greatest unanimity prevails amongst them. In this respect they are by no means singular; for if you refer to the opinions of all parties, as delivered in an almost infinite number of instructions and recommendations from the year 1716, when that violation of the people's rights, the Septennial Act, passed, to the present time, you will find, that the utmost dread and apprehension of the evil consequences of that Act are expressed, accompanied with the most earnest recommendations to their representatives, to obtain a repeal of it, that the people may be thereby restored to their ancient right of frequently electing new parliaments. The concurring testimony of all sorts of men, on a great variety of occasions, it might reasonably be supposed, would obtain without difficulty a point so important to their interests; and but for the experience of many years, it would be thought incredible, that the bulk of the people should thus earnestly solicit, and yet solicit in vain. Short parliaments, Sir, are essential to the security of English liberty. Power cannot revert too often to those to whom it belongs; and the more frequent the appeal is made to the people, the more entire will be their confidence in the executive parts of government. I consider the many calamities which we at present labour under, as resulting from long parliaments; under their sanction and influence corruption has been reduced to a system; and it will be happy for posterity if it does not eventually sap the very foundations of our once glorious constitution, and overwhelm it in irretrievable destruction. Bad ministers confide in long parliaments, and consider them as their great security. Hence it is the people are surprized and betrayed, one parliament suddenly dissolved, and another speedily elected, and power thereby almost perpetuated. But for this security can it be supposed, that in our days we should have seen such undue exertions of ministerial power, as the people have complained of? Should we have seen the glories of a successful war obscured by a shameful and ignominious peace? The privileges of the members of this House sacrificed, in the person of an individual, to private resentment; the rights of the electors violated; enormous sums granted without enquiry, and without account; Popery established under a Protestant government; and a long black catalogue of other enormities? Should we, Sir, have had these things to complain of, but for the influence of corruption, and that increased and established by long parliaments?

I will venture to say we should not. I will only add, that if we have any regard for the virtue of the people; if we wish to preserve the constitution and all that is dear to a free nation; if we respect the opinions of a manifest majority of our constituents; and if we have any regard to our own reputation as independent men; and as uncontaminated by ministerial influence, we shall all give our most hearty Amen to this question.

Sir *George Yonge* spoke in favour of the motion.

There was no reply. The House divided. For the motion 64; against it 138.

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Debate in the Commons on the Army Extraordinaries.] March 11. In the Committee of Supply, Lord Barrington moved, "That 845,165*l.* 14*s.* 8¼*d.* be granted towards defraying the extraordinary expences of the land forces, and other services incurred, between the 9th of March 1775, and 31st of January 1776."

Colonel *Barré* said the annals of this country did not furnish another instance in which a nominal body of 11,000 men, never amounting at any time within the period mentioned in the resolution to above 8,500 effective men, had cost the nation so much money. The campaign of Bunker's-hill and Lexington was ludicrously compared with the glorious campaigns of the immortal John duke of Marlborough; and the forcing the lines thrown up by a mob in the course of a summer's night, opposed to the victories of Blenheim, Schellenburgh, the conquest of Gibraltar and Minorca, the traversing the vast circuit of the kingdom of Spain by lord Peterborough, and the renowned impressions made by the duke of Ormond at Vigo and Port St. Mary. Mystic river was compared to the Danube; and the operations of a war that pervaded half Europe, and in which a British army and foreigners in British pay, amounting to 70,000 men, had rendered the power and glory of the British arms immortal, was balanced against those carried on within a circuit of little more extent than what is taken up by the scite of this metropolis. The expence of the former was shewn to amount to a sum not more than two millions, while the other, including the expences of the fleet, cost nearly three millions, the very extraordinaries and ordnance service alone amounting to 1,300,000*l.* He eulogyzed general Montgomery, the account of whose death in an attempt to take Quebec by escalade, had arrived but a few days before.

Mr. *Burke* drew several comparisons between the victories of Mr. Pitt and those of the noble lord, (North) and contended, that the campaign which gave the great continent of North America to this country, though the force consisted of 40,000 men, fell considerably short of the expence of maintaining 8,000 wretched men, starved, disgraced, and cooped up in the single town of Boston. He paid very high compliments to general Montgomery, who had conquered two-thirds of Canada, in one campaign.

Mr. *Fox* vied with Mr. Burke in his eulogium of general Montgomery.

Lord *North* censured what he called this unqualified liberality of the praises bestowed on general Montgomery, by the gentlemen in opposition, because they were bestowed upon a rebel; and said, he could not join in lamenting his death as a public loss. He admitted indeed, that he was brave, able, humane, generous; but still he was only a brave, able, humane, and generous rebel; and said, that the verse of the tragedy of Cato might be applied to him—

"Curse on his virtues, they've undone his country."

Mr. *Fox* rose a second time, and said, the term 'rebel,' applied by the noble lord to that excellent person, was no certain mark of disgrace, and therefore he was the less earnest to clear him of the imputation; for that all the great assertors of liberty, the saviours of their country, the benefactors of mankind, in all ages, had been called rebels; that they even owed the constitution, which enabled them to sit in that House, to a rebellion:

——'sunt hic etiam sua premia laudi,
'Sunt lachrymæ rerum et mentem mortalia
'tangunt.'

Lord *North* said, whatever uneasiness this dispute with America might occasion, whatever consequences it might have, he hoped it would be recollected, he had not raised, had not disturbed the question. It was in agitation before he came into office. He found it there.

Governor *Johnstone* expressed his astonishment at this declaration, thus uttered in the face of his country! in the face of the House! He instanced the Tea Duty, and——

Lord *North* suddenly said, should he answer that!—The duty was not laid on by him, he only carried it forward.

Governor *Johnstone* to explain, said, it was very disorderly to interrupt him in that very abrupt manner. However, he thought the noble lord's explanation or vindication of himself, made the matter ten times worse against him.

The House divided; For it 180; Against it 57.

March 12. Sir Charles Whitworth reported the above resolution.

Mr. *Hartley* lamented the state of this oppressed and almost ruined country. He observed, it was not that the war was unjust, cruel, and unnatural; that the country was left naked and defenceless; that the expences were already enormous; that the fund which was appropriated for the

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purpose of reducing the public debts, as a security to our public creditors in case of deficiencies, and as a dernier resource in case of an attack from our natural enemies, was already anticipated for many years to come; these matters, however terrible in their appearance, or dreadful in their consequences, were already known or foreseen: but it was the confidence with which ministers asked, and the ready compliance of parliament with every requisition, without either examining the nature of the services, or afterwards enquiring into the expenditure, that astonished him. Such, in a great measure, was the nature of the account of extraordinaries now before them. He should not enter into a minute examination of the several items which had swelled that very extraordinary account, but he would be obliged to the noble lord (North) if he would give the explanation he declined to give the other night in debate, though often pressed. The matter he desired to have cleared up, was the requisition made by the commander in chief for 100,000*l.*, and the credit taken for that sum without being accompanied by a single voucher. He observed, that there were vouchers for the rest, stating to whom the payments were made, but not one of the actual expenditure. He begged the noble lord would explain to the House the nature of the transaction; at present it bore a very strange appearance. He observed, that there was a circumstance attending money matters now, that was, he believed, never before known or practised even by the noble lord; that was, ministers refused to venture at a gross computation, what the expence of the extraordinaries of the succeeding campaign would amount to. He had heard it dropped in debate, that they would rise this year to the monstrous sum of four millions. Terrible as these tidings were, he should be glad to know the worst; not to come day after day to that House, and hear some new demand made, under a fresh pretence and another denomination, though all directed to the same service. If, therefore, the minister, as he must by this time know what his plan was, and the probable expences of carrying it into execution, would rise, and fairly and ingenuously state the gross computation, the House would then know what they had to expect, what they were to grant on one side, and what they were to get in return on the other, and of course be enabled to balance the certain expence against the probable or possible benefits promised to accrue from the measures now pursuing.

Lord *North* observed, that the hon. gentleman gave a credit and appellation to the papers on the table which they did not deserve, for they were not vouchers. The vouchers were yet to come, and would contain a precise account of the expenditure, and then the House would have a full opportunity to examine them. As to the 100,000*l.* drawn by the commander in chief, for which no account of any kind appeared, that could be easily explained, for it was so much in advance to remain in his hands, and for which he must be accountable till he shews the particular services for which it was issued. The usual manner of conducting this business, was for the commander in chief to draw on the deputy paymaster-general; but it being found that it was much more advantageous to remit than draw, that mode was discontinued, and the present adopted in its stead, as it would be a considerable saving to the public. He said, the hon. gentleman was mistaken in asserting, that the permitting the commander in chief to draw was never known, for it was always the case in respect to extraordinaries. The very nature of the expence, and the manner it was incurred, made it necessary. It was uncertain; a previous credit was necessary, and the amount could not be known, nor the balance struck, till the several articles were brought into account, accompanied by the proper vouchers; that this had not been the case formerly in America, for as there were no extraordinaries till since the late war, by way of establishment, no previous credit of this kind consequently subsisted.

Mr. *Dempster* spoke of the consequences arising from the contracts in general. He said, every country where such a system was permitted to prevail, must, in the end, be undone; and he had little doubt that a very considerable part of the burthens we now labour under have been incurred through the means of jobs and contractors. When he had the honour of being in the direction of a certain great company, the evil was felt, and he and some other gentlemen in the direction determined to provide some means of removing it. The court of directors at length agreed to advertise the contracts, and the consequence was, that they not only made a very considerable saving, but the articles were much better that were

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furnished in this way than before the contracts were laid open. He recommended this, or some other similar plan to the minister, and assured him that very singular advantages would accrue thereby to the public, as the articles would be both cheaper, and of superior quality. He concluded with observing, that jobbers and contractors were at once the disgrace and curse of this country, a well-authenticated instance of which happened during the late war, of a person whose contract amounted only to 1,300,000*l.* but whose net profits were full 800,000*l.*

Sir *Joseph Mawbey* bestowed almost every opprobrious epithet in the English language on the American war. He said it was cruel, unjust, villainous, and that he trusted God and man would unite in reprobating it. He was no less severe on its advisers and conductors. He observed, that the noble lord who lately presided in the department to which American affairs more peculiarly belonged, was too honest and conscientious to persist in so bloody and inhuman a business. He abhorred the thought of embruing his hands in the blood of his innocent unoffending fellow-subjects, and resigned his office sooner than co-operate in so flagitious a work. It is true, he was succeeded by a noble lord now sitting opposite, (lord G. Germaine) who, he presumed, imagined he was acting right, but whose schemes of unconditional submission, he hoped he would never be able to effect. He observed, that the majorities who daily sanctioned the present measures would sorely repent of it; and recommended the country gentlemen to seriously reflect on the consequences, when the additional shilling on the land would not half defray the account of extraordinaries, which was at present the subject of consideration. If, then, such an enormous expence was incurred for the maintenance of 6,000 men confined in Boston, would any person rise and say, that the whole of 6*s.* in the pound, instead of four, would defray even the extraordinaries of the army that was to be employed in the course of the ensuing campaign? It was plain it could not, for it was already confessed, that the extraordinaries would amount to four millions, and a land-tax of 6*s.* in the pound would be considerably short of three, perhaps not quite two and a half, after allowing for the deficiencies. Where then are the supplies to come from? You cannot devise a tax that will not cause a defalcation in some other. The excise and customs will not produce a single shilling more: and if they should, your trade, manufactures, and commerce, will be ruined, if you attempt to lay on any new duties. He then addressed himself to lord Howe and general Burgoyne, and after giving testimony to their personal worth, expressed his astonishment that such men would be concerned in so infamous and diabolical a business; and owned, that however he might esteem them as men, he wished that they might not succeed; but that the cause of justice, humanity, freedom, and the constitution, might prevail. Administration might pride themselves in their great majorities; but he trusted the day was not far off, when they would be brought to a severe account for the destruction in which they were wantonly involving their country, in order to accomplish a detestable plan of despotism.

Governor *Johnstone* was very severe on contracts and contractors, particularly in relation to two articles in the account paid to Mr. A. Bacon, for the hire of negroes in the ceded islands. This, he said, was a most shameful squandering of public money. He observed, likewise, on an article of 4,000*l.* drawn by the superintendant of Indian affairs, upon the receiver general of Canada.

Sir *Grey Cooper* said, this was the usual mode. The only difference it made, was, that instead of drawing on the treasury, where the account was audited, and sent back with an order to the receiver-general; in the present instance, the money was drawn immediately from the receiver-general, but the superintendant's account was still open to inspection; and he remained subject to be made accountable for the expenditure of any sums thus obtained.

Lord *North* answered governor Johnstone respecting the negro contract. He said, this expence was incurred mostly in the ceded islands, and was near expiring, as the purposes for which the negroes were employed, that of clearing the crown lands, and opening communications from one part of the islands to the other, were nearly completed.

Mr. *Pownall* gave a further explanation relative to the expence of the superintendant of Indian affairs. He said, that presents were made to several Indian tribes, to the six nations, and other western Indians; that the articles of which those presents consisted were usually purchased here; that he was the person who formerly

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provided them, but on account of the present situation of affairs in America, it was thought more convenient to have them provided on the spot; and that was the true cause of that article making its appearance in the account. The presents commonly consisted of glass beads, cutlery, &c.

Mr. *Vyner* replied to the address made to the country gentlemen, and said, as being included in that number, he was much obliged to the hon. gentleman (sir J. Mawbey) for his advice: but for his own part, though the land tax next year should be 6*s.* in the pound, or double, he was willing to contribute his share, as on a former occasion; for if the supremacy of this country was to be preserved fully in its constitutional extent, no means proper to effect it, ought to be left untried. As to the question, what did those gentlemen expect in return? He, for one, fairly and openly declared, that he expected America would be taxed for the purpose of raising a revenue, both to defray the expences of a war this country was wantonly forced into in the assertion of her own rights, and towards relieving us of the burdens incurred by protecting the colonies during the late war. He insisted besides, that the legislative power of this country, independent of the reasons now stated, could never be maintained, if the exercise of it was not to be coupled with a tax submitted to by America, as the clearest acknowledgment of the general controlling power of Great Britain.

Mr. *Tuffnell* spoke of several articles in the account: so much for sour crout; so much for small beer; and several thousand pounds for pepper and vinegar alone. Such a waste of public money was to the last degree shameful; and it was no way wonderful that the minister should have the great majorities he had, when he had it in his power, by so many different means, to influence the representatives of the people. He then took a view of the intended operations, and shewed, that nothing decisive could possibly be effected in the course of the ensuing campaign, as the troops would not arrive at their respective places of destination till at the end of two, four, and perhaps six months. That posts must be secured, and communications opened; and that consequently the expence of the present year would be lost, or at least only lay a foundation for the operations of the succeeding. Then, taking the matter purely on the ground laid down by the promoters of the present measures, it would amount to this; that after the expence of this campaign, which was already allowed to be ten, though he had strong reason to believe it would be fifteen millions, we should commence operations in the year 1777 effectually; and supposing the success predicted should be the case, and that no event should happen to interrupt our designs, that America should be reduced to the unconditional submission contended for by the noble lord lately come into office (lord G. Germaine) the consequence would be, that we should incur a debt of between 30 or 40 millions, a sum he prophesied, much more than ever we should be able to reimburse ourselves, by all the taxes we could ever expect to draw from that country.

Lord *Irnham* said, it was really shameful that members of that House should have the contracts that now appeared. He alluded in particular to that of the negroes, and the sour crout. He wished sincerely, that the account was printed, that the nation might see how they were plundered and fleeced, in order to enrich a set of rapacious contractors, who were raising immense fortunes, drawn from the very vitals of the people; and that he was not surprised to hear a certain set of men, the preceding evening, express themselves so warm for coercive measures, and so eager to grant away the public money. He did not know by what appellation to describe them. They were not country gentlemen, nor placemen, nor pensioners, nor king's friends; but they were worse than all: they were at present the disgrace, and would in the end occasion the total ruin of this country.

Mr. *Burke* said a few words respecting the caution expressed by an hon. gentleman, who professed himself a country gentleman; and said he was surprised to hear him adopt the very language used by the people of America; that is, we will grant you aids or supplies, but we will reserve to ourselves a controul over the expenditure, and be the judges of the quantum to be granted, and the mode of application. He believed, therefore, the gentleman was very snug and secure in his offer of a 13*s.* in the pound land tax, on this condition: for it amounted to just nothing, while he reserved to himself the power of refusing it whenever he thought proper. He said, that as by the curious items in the account, he imagined the army in Boston had a sufficient supply of broccoloes, cab-

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bages, sour-crout, and a few asparagus, there was no occasion for keeping open a begging subscription for the purpose of procuring those necessaries, when the nation had already made such ample provision. On this ground he should submit two resolutions to the consideration of the House, which would, he presumed, put this matter in a clear light. They were, 1. "That the extraordinary expences amounting to 845,165*l.* 14*s.* 8¼*d.* have been incurred, for the far greater part, for services within the town of Boston. 2. That ample provision has been made by the public for the accommodation and comfort of the troops in Boston, which made the levying any further money, or begging any from the subject, on that pretence, unnecessary." They both passed in the negative. After which the Resolutions of the committee were agreed to.

DEBATE IN THE LORDS ON THE DUKE OF GRAFTON'S PROPOSITION FOR CONCILIATION WITH AMERICA.] March 14.* The order of the day being read,

The Duke of *Grafton* said: My lords, before I explain to your lordships the intention of the present motion, and the grounds on which I propose to maintain it, I shall, with your lordships' permission, explain something which passed in this House the last day I had the honour to address your lordships, respecting my supposed conduct, relative to the Tea Act in the year 1769, when it was proposed in the cabinet to procure a repeal of it, along with the other duties laid on in 1767. I am within your lordships' recollection, that I then asserted, that when the matter was debated in council, I was over-ruled and out-voted, but was contradicted by a noble viscount (lord Weymouth) whom I now see in his place. Having spoken from memory, though I was certain I was right, joined to the very late hour of the night, when the matter alluded to was mentioned, I declined to answer the noble viscount, or to corroborate my first assertion, with any further facts or particulars. Being, however, uneasy till I had enquired further into the circumstances of that important transaction, I searched among my papers, and there found a note of it, sent me by a noble lord then at the head of the American department, (lord Hillsborough) by which it appears, that the numbers in the cabinet were not equal, as the noble viscount asserted, but that I was over-ruled and out-voted by a majority on the proposition of repealing that tax, which, as I then foresaw, would be productive of the worst consequences; and which now is the occasion of the present unhappy disputes, that threaten to overwhelm this country in ruin and destruction. I thought it my duty to submit this true state of that momentous business to your lordships, lest any of you should think that I had either negligently asserted, or designedly misrepresented it. If the noble viscount should differ from me on the fact, as I now have stated it, I wish it may be understood, that he will rise immediately and contradict me, before I proceed further, or that his silence may be construed into an acquiescence. As to the measure now proposed, I trust you will perceive the necessity of adopting it; and that you will believe me, when I most solemnly and earnestly assure you, that nothing but a thorough conviction on my part, that it, or some other measure of a similar nature, is the only possible means now left, of averting the destruction which seems suspended over the heads of the people of this devoted unhappy country. It is formed on the principles of humanity, equity, and sound policy, and opens a door for settling the differences now subsisting between both countries, on terms of lasting amity, founded in reciprocal affection, and cemented by mutual interest. It will be the means of sheathing the swords now drawn, perhaps never again to be returned to the scabbard, till a deluge of blood is spilt, and either Great Britain

* "This day will perhaps hereafter be considered as one of the most important in the English history. It deeply fixed a new colour upon our public affairs. It was decisive, on this side of the Atlantic, with respect to America; and may possibly hereafter be compared with, and considered as preliminary to that, on which, unhappily, in a few months after, the independence of that continent was declared on the other. Administration now, and their numerous friends, totally changed their style and language upon that subject. All modifications were laid aside; all former opinions and declarations done away; conciliation, they said, was little less than impracticable; and that if any thing could be added to the difficulties of such a scheme, it would be by concession. The tone of the House of Lords was much higher than that of the House of Commons had ever been, although the language was grown much more firm and determined there also than it had been at the beginning of the session. No alternative now seemed to be left between absolute conquest and unconditional submission." Annual Register.

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or America, or both, are brought into such a state as may inevitably produce their separate or total destruction. I contemplate with horror the consequences of the bloody conflict, should matters be pushed to extremities; in the event of so many thousand men being drawn up against each other, when, on whichever side victory may declare, all true friends of their country, will have the most just and melancholy cause of grief and mourning. I would therefore appeal to your lordships' humanity, on this supremely critical and important occasion; and implore your interference, for the purpose of averting such dire calamities, particularly when your lordships shall take the additional circumstance into consideration, that the most complete success on our part, will produce no other effect, than wasting our own strength; and that the blood thus shed will not be that of your natural enemies, but of your fellow-subjects, of your brethren, of Britons, of a people united with you by every tie of fraternal affection, every motive of common interest, and every principle of common defence, protection, and support.

In point of equity, my lords, I believe, since the new doctrine of an unconditional submission has been broached by a noble lord (George Germaine) in another House; (for I affirm, till he was called to office, it was never openly maintained in parliament) your lordships will be of opinion, that it would be but equitable to let the people of America know what are now the sentiments of this country; because, by knowing our ultimatum, they will have it in their power either to agree to it, or to risk the consequences of resistance. I remember, at the opening of this session, a very different language was held. The idea of taxation was denied or modified. A noble lord in the other House, who presides at the head of the national finances, disclaimed any such intention. A noble lord in this House, whom I now see in his place (lord Dartmouth) who then filled a responsible office in administration, and who, perhaps, for the reason I am going to assign, was not thought so proper a person to carry the designs of government into execution, repeatedly assured this House, that no intention was entertained by administration of "subduing America." I would appeal to your lordships, if the newly adopted system has not an appearance full of mischief, and big with that over-ruling secret influence, those dark and dangerous designs, which every now and then betray themselves to public view, and which create the justest jealousies and suspicions in the breast of every man who is not callous to the interests of this devoted country. When I framed the motion with which I shall conclude, I avoided all specifications, because I meant it as a general resolution, to be taken up and considered by your lordships in a committee, in order, if you should think necessary, that you might decide on particulars, agree upon some specific terms, some ultimatum to be proposed to the colonies, or determine on some general resolution to be communicated to the other House of Parliament for their concurrence, as a basis for conciliation or concession. By this means America might know what she had to depend on, and decide accordingly. You would remove that cause, which she assigns for her present want of confidence in general assurances, in ministerial promises, in loose and undefined claims, which every successive administration have explained their own way, and scarcely any two of the members of the present seem to be agreed in. As the doctrine of unconditional submission is avowed by the noble lord alluded to, as the same doctrine has been since repeated in this House by persons who, though not in responsible offices, are nearly connected with those in power, another view I had in submitting the present motion, was to induce ministers to speak out, to say fairly whether their long harangues or intended reconciliation, their determinations to concede in some particulars, are all forgotten, or laid aside; and whether they have any measures, short of unconditional submission, to propose. Should they chuse to be silent on this head, and in consequence thereof reject this proposition, I shall then understand them as clearly as if they had spoken out. I shall then be fully convinced that unconditional submission is what they have ultimately in view; that the bloody conflict, I fear, long determined on, will follow; and that the present dispute between both countries is to be decided by the force of arms. Before I conclude this head, I should wish to be understood that I cannot pay the least attention to any explanation, purporting that the objects pursued by administration have been the same from the beginning; that they are still willing to sheathe the sword, and listen to the terms of accommodation. Such a conclusion is absurd and impossi-

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ble in the nature of things. The speech, I allow, held out this idea; the proposition called the Conciliatory Proposition, framed by a noble lord in the other House, was, it is plain, short of unconditional submission. The Bill for interdicting all commerce with America, known by the name of the Capture Act, had a clause towards the end of it, which corresponded with the intentions declared in the speech. By this clause a power was vested in the King to appoint commissioners to treat with the colonies to receive submissions and to grant pardons. I was not present at the time this Bill was debated on the second reading; but though the system which appears now to govern administration, was not then openly avowed, it is plain that the person [supposed to mean lord Mansfield] who advised or framed this clause, and who, I presume, has had the chief hand in directing and advising the present measures from their commencement, by his personal influence, though not called by his office to a participation of this species of power, had a view to that unconditional submission which is now contended for. I was in the country when this Act first came to my hands, and on comparing the King's speech with the clause, I must own I was astonished. What does the clause say? That commissioners are to be appointed, and that is all. What are they to do? To receive submissions. Does it state what conditions, or indeed provide for any condition at all? Have the commissioners the least shadow of power by this Act, to make any concession whatever? None; the alternative is resistance, or unconditional submission; an eternal war and resistance on one hand, till both or either party are destroyed; or that America shall instantly disarm, surrender, and submit. On this ground, my lords, I thought it proper to give an opportunity to your lordships, to effectuate his Majesty's gracious intentions declared in his speech; and the great ostensible object of the Capture Bill, which was to coerce America by destroying her trade, if she obstinately persisted not to agree to such terms of accommodation as the British parliament, in conjunction with his Majesty, might think most conducive to the securing the claims of this country, the subordinate constitutional rights of America, and the future permanent happiness and interests of both. It is solely to obtain those very desirable objects, that I have this day troubled your lordships. If your lordships should not think proper to propose any ultimatum, my motion will have this very salutary effect; it will furnish America with an opportunity of preventing the present calamities, which they must in all events unavoidably feel; it will give them an opportunity of averting that cloud which hangs suspended over their heads and threatens them with destruction; it will be but a fair and equitable experiment, by way of warning; and if they should refuse to offer any proposition, or tender such only as are inconsistent with the dignity and rights of this legislature, and the interests of the empire at large, it will produce this other very beneficial consequence; it will unite this country in support of measures, which are far from being universally approved; and vindicate the justice and honour of the nation, not only in the opinion of its own subjects, but in that of all Europe.

As to the policy of the present conflict, I shall say very little, having before so frequently expressed myself on the subject. But I think administration should have the most unequivocal proofs of the disposition of foreign powers before they blindly rushed into a civil war. I have been a considerable time conversant in matters of this kind. I know the stress that ought to be laid on the language usually held by ambassadors. I know what credit ought to be given to the general assurances of foreign courts. I am convinced that they are very little to be relied on, if not accompanied by confidential engagements, and a thorough knowledge of the state of those countries, from which we have most to dread: not from their pacific declarations so much as from their known inability to injure. The former may serve, nay, experience in all ages has proved too frequently, has served only to amuse and deceive. The latter, therefore, in my opinion, can only promise that kind of security, which a wise minister will always demand before he undertakes any measure which may render the nation vulnerable to its natural enemies. The powers, my lords, which I allude to, are those of France and Spain. None of your lordships can be ignorant that they are now collecting a great naval and military force to be employed somewhere; and I think it my duty to state to your lordships a piece of information which I have little reason to doubt, and which, if true, must be the subject of great and just alarm to

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your lordships, and point out the caution and reserve with which any general assurances received by our ministers ought to be depended on or trusted to. The information, my lords, is shortly this; that two French gentlemen, towards the close of last summer, went to America, and had a conference with general Washington at the provincial camp, who referred them to the continental congress, whither they immediately repaired. On the whole, my lords, whether you consider the present measures in the light of humanity, equity, or sound policy, I trust your lordships will agree with me, that the means of conciliation are still within our reach, and that nothing but the most urgent necessity should compel us to embrue our hands in the blood of our fellow subjects, at the risk of ruining our commerce, and of involving ourselves in a war with the united strength of the House of Bourbon. For this purpose I move, "That an humble Address be presented to his Majesty, beseeching him, that in order to prevent the further effusion of blood, and to manifest how desirous the king of Great Britain and his parliament are to restore peace to all parts of the dominions of his Majesty's crown, and how earnestly they wish to redress any real grievances of his Majesty's subjects, his Majesty would be graciously pleased to issue his royal proclamation; declaring, that in case the colonies, within a reasonable time before or after the arrival of the troops destined for America, shall present a petition to the commander in chief in America, or to the commissioner or commissioners to be appointed by his Majesty under the authority of an Act, intitled, 'An Act to prohibit all trade and intercourse with the colonies of New Hampshire, Massachusets Bay, Rhode Island, Connecticut, New York, New Jersey, Pensylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion within the said colonies respectively; for repealing an Act, made in the 14th year of the reign of his present Majesty, 'to discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachuset's Bay;' and also two Acts, made in the last session of parliament, for restraining the trade and commerce of the colonies in the said Acts respectively mentioned; and to enable his Majesty, or any person or persons appointed and authorized by his Majesty, to grant pardons, and to issue proclamations, in the cases and for the purposes therein mentioned;' and setting forth in such petition, which is to be transmitted to his Majesty; what they consider to be their just rights and real grievances, that in such case his Majesty will consent to a suspension of arms; and that his Majesty has authority from his parliament to assure them, that such their petition shall be received, considered, and answered."

The Earl of *Dartmouth*. The noble duke having alluded to me personally, it is necessary for me to say a few words, as to my own particular sentiments. His grace has quoted my words, in a former debate, to shew what was my then opinion, and how far administration had changed theirs since I quitted the office I had then the honour to fill. For my part, I do not at all doubt but the expression adverted to, might have fallen from me; nor do I mean to disavow it now. My opinion both then and now, was, that it was neither the interest nor the wish of this country, to make a conquest of America. If that be what the noble duke means by unconditional submission, I am sure I should be far from approving of it; but if unconditional submission be a resolution on our part, not to cease hostilities till America submits so far as to acknowledge the supreme authority of this country, I am still consistent; for I ever was, and ever shall be of opinion, that this country cannot, with propriety, concede, nor can we, consistent with the essential interests of this country, consent to lay down our arms, till the colonies own our legislative sovereignty; and by acts of duty and obedience, shew such a disposition, as will entitle them to the favour and protection of the parent state. Besides, I do not hold it perfectly fair or parliamentary, to bind a person to expressions and opinions given in one situation of affairs, when that situation comes to be materially altered. I was willing to suppose, that the disorders in that country were local, and had chiefly pervaded the hearts of an inconsiderable number of men, who were only formidable, because they possessed the power of factious delusion and imposition. I all along expected, that the body of the people, when they came to view the consequences attentively, would soon perceive the danger in which they were precipitating themselves, and return to their duty. Urged

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by those expectations, I was anxious to treat them with tenderness, and even to give way to their prejudices, so far as it could be done with safety. What has been the consequence? They have treated those marks of favour as so many indications of national imbecility; they have abused this lenity in proportion as it has been liberally and affectionately exercised; and have imputed our humanity and forbearance, not to motives of tenderness and maternal affection, but to a timid backwardness and want of ability to assert our rights. The noble duke grounds his motion on motives of humanity, equity, and policy. I will venture to contend, that neither the noble duke nor any other lord in this House, is more warmly inclined to humane measures than I am. But does his grace's motion promise to promote humanity? I am sure it does not; for if there be any thing at all in the tenderness he has expressed, or the horrors he has described at the thoughts of the effusion of human blood, the surest way to prevent a calamity, which I as earnestly deprecate as any lord in this House, will be to send the armaments, now destined for that country, with all possible expedition. Their fears may exact a conduct, which I am well persuaded their duty or obedience would never have inspired. They will be convinced, that we have the ability, as well as the inclination, to compel them to acknowledge the true subordinate and constitutional relation they bear to the mother-country. So that uniting with the noble duke on the principle of humanity, but differing on the means, I am of opinion, that the only sure and solid way of averting the evils of civil war, will be to send such a force as will awe the colonies into submission; as will lay a lasting basis for the future security of the constitutional rights of that country, the supreme legislative controlling authority of this, and the general interests of the whole empire. In my opinion, every one of those objects would be defeated, should the motion receive your lordships' approbation. What does it import? That you shall immediately address his Majesty, that a royal proclamation be issued, to suspend all future hostilities, in order to wait the effect such a proclamation may have in America. Will not this be pursuing that plan of mistaken lenity which has been complained of as one source of our present situation? Will it not be fairly declaring that we are afraid to assert our rights; or that we are conscious of our inability to assert them? I am sure it will have that appearance; and will be so interpreted by the people of America. I would further recommend to your lordships to consider, that although the intended force should be sent out, as I hope and trust it will, that will not preclude an accommodation; it will not prevent us from hearkening to their propositions. It may be the means of restoring the colonies to their senses; but it will never prevent us from granting such terms as we may deem consistent with the dignity of parliament and the rights of the parent state. However, as the noble duke has framed his motion, and supported it by arguments which seem to imply an alternative of war, for the purpose of conquest, or unconditional submission, I would wish to move the previous question, in preference to a direct negative; and I will state to your lordships the reason why I prefer the former, though I do not at all agree with his grace, that a negative to his motion would shew that it was the intention or desire of this House to insist on an unconditional submission, in the exact terms he has described it. My reason is, lest such an idea should get out, and prevail either here or in America. Nevertheless if any of your lordships should think otherwise, I am very willing to withdraw the previous question; for whether the motion is negatived in one way or the other, if that should be the event of it, I am determined, for my own part, to give it a negative; because I am convinced it may be productive of great evil, by interrupting the line of public measures already agreed on, and can produce no one good consequence whatever.

The Duke of *Manchester*. The present state of public affairs, my lords, whether considered in the gross or detail, affords sufficient reason for every man who feels for the dignity, honour, and interests of his country, to be most seriously alarmed. The very great expence with which the present measures must necessarily be attended; the uncertainty of the real disposition of foreign powers; and the present state of our navy, which I am assured, is far from being in that respectable situation your lordships have been given to understand by the noble lord who presides at the head of that department, all united, give just cause for considering the present question, and adverting to the dangerous consequences

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which may follow, in case your lordships should be inclined to give it a negative. I am far from imputing any design in the noble lord to either mislead or misrepresent. I am persuaded his lordship has faithfully reported whatever came within his own knowledge; but being obliged to trust to the information of others, he has of course been liable to error; and if I have not been grossly misinformed by professional men, his lordship's account of the state of the guardships, the number of men aboard them, and the facility of procuring them, is indeed very far different from what the noble lord has asserted. I am informed, for instance, that the Eagle, the very ship in which lord Howe is to hoist his flag, has not above ninety able seamen aboard her, and that several of the frigates and ships of war, destined, or which have sailed for America, have been obliged to proceed on their respective voyages very indifferently manned. Another assertion made by his lordship is, that the deficiency aboard the guardships was occasioned by the desire of the seamen to be shipped aboard the men of war destined for the American service. How could that possibly be the case, if in the first instance the complements of these last were to be made up out of the former; and if the drafts, along with the deficiency stated in the complements of the former, were now no greater than before the drafts were made? But, my lords, I believe neither will be found to be the case. I believe the deficiency aboard the guardships will be found to be considerably greater than his lordship has stated: and further, that the crews are composed of men, who should never be entered aboard our men of war. If I am rightly informed, small as the numbers are, that is not the worst of it; the crews are composed of landsmen, in much too great a proportion, of vagrants, and, I fear, of convicted felons. I should be glad to be set right; but if it be true, it is a most melancholy and alarming circumstance. The navy, my lords, is our only sure bulwark against our foreign enemies; particularly as we have been obliged to part with the greatest part of our military defence, in order to carry the present measures into execution. If then, an attack should be made on us in our present weak state, the consequences might be dreadful. That we have no reason to rest in a state of security, I am well convinced. I have good reason to believe that France and Spain are meditating some blow against us. The matter alluded to by the noble duke who made the motion, I have reason to think is too true. I heard it above a month ago, and should have imparted it to your lordships before now, had not I waited to have heard it communicated by administration. I presumed they would have informed your lordships of the matter, and either have stated their reasons for paying it no attention, or have told you what steps they had taken in consequence thereof, in order to bring France to an explanation. I would likewise remind your lordships, that great preparations are going on in France and Spain, both by sea and land. It may be said, that another attempt is intended to be made on Algiers; or that the disputes subsisting between Spain and Portugal, in South America, may be the object of this armament. The former may be the case; but if the force now collecting in those countries, should be destined against Portugal, your lordships will please to recollect what was asserted in a former debate, by a noble earl (lord Rochford) not now in office, but who then occupied a high and respectable post in administration, that if Portugal should be attacked, we must necessarily be made parties in the war, and be bound to afford her every assistance in our power. In short, my lords, uniting all the causes, circumstances, and probable events, which first created, or may be consequent of the present dispute, I am heartily for agreeing with the motion, as a means of preventing the calamities every part of this empire is threatened with, in case we should persist in carrying our present ruinous, unjust, and oppressive designs into execution.

The Earl of *Sandwich*. I did not intend to trouble your lordships had I not been particularly called on by the noble duke who spoke last, and who, I can safely affirm, is either materially mistaken in every fact he has stated, or has drawn conclusions which his grace was by no means warranted, in every instance where his assertions had any ground or colour of reality to support him. I am extremely sorry that my noble relation, before he hazarded any charges of the nature now brought forward, did not consult me, as I could satisfactorily have convinced him that he had been grossly misinformed. I may venture to say I know the quarter from which his grace has had the information he has now stated, and so earnestly urged. The authors are known by their

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daily writings in the papers, by their speeches in another place, by the general tenor of their discourses, and by the motions they have made; but I will tell the noble duke what perhaps he is ignorant of, that those men are superficial, uninformed, and that every effort they have made to disparage the conduct of that board, at which I have the honour to preside, has only exhibited proofs of their total ignorance, their rancour, and their personal spleen. The noble duke says, he has received his information from professional men. I beg, however, that his grace, previous to his giving trust to such assertions, will send those professional men to me, when I promise to convince them that they know nothing at all of the matter. The noble duke speaks of the Arethusa, the Romney, the Eagle, &c. being at present unable to proceed to sea, on account of their being defective in their complements. By the last returns of the state of those ships, I am authorized to say his grace has been mistaken in point of fact in every one of them. But supposing the facts were true, what would it prove? That perhaps from the established usage of the service, the men were changed from one ship to another, according as circumstances made such an arrangement necessary: but will it prove the only matter that can possibly deserve enquiry, that any one ship, since the commencement of the present naval armaments, has been detained a single day for want of hands? The noble duke says, that the Eagle, aboard which ship lord Howe is to hoist his flag, stands in this predicament. Were the fact strictly true, I make no doubt but the popularity of the noble lord, and the desire of serving under so able and amiable a commander, would soon procure a number sufficient to make up the deficiency the noble duke has stated. As to the general assertion on which his grace has insisted, that the scarcity of seamen is so great, that we have been obliged to have recourse to the expedient of supplying it by entering vagrants and convicted felons, I am sure nothing of the kind has happened; and I should be extremely averse to adopting such a scheme, or countenancing any mode of manning our navy under any circumstance of necessity that might lead to the disgusting so useful and brave a set of men; besides, I think it would be very improper on many accounts; it would be the means of corrupting their morals, which, with me, shall always continue to be one of the prime objects of my care to prevent. Our seamen are, in general, men of very commendable conduct, and remarkable good morals, so long as they remain on board. If they are dissipated when on shore, the consequences of their dissipation seldom reach further than spending their money in riot, &c. which has this good effect in respect of the service, that when their money is spent they return to their ships with cheerfulness, their means of living on land being at an end. What, then, would be the probable consequence, should vagrants and felons be permitted aboard his Majesty's ships of war; but that the most profligate of their species would mix with the whole body of seamen, and contaminate their morals? All which are matters that ought to be carefully attended to and prevented. Taking, however, the facts thrown out by the noble duke in another light, what do they amount to, allowing them to be true? I am within your lordships' recollection, that I asserted in a former debate, that the full complements of the 20 guardships amounted to 6,800 men; that there were but 6,300 men actually on the books; that consequently there was a deficiency of 500 seamen; and that that number could be easily procured, or in case of emergency, almost instantaneously completed by a press. Do the present facts contradict what I then submitted to your lordships? I stated a deficiency, I informed your lordships of the facility of procuring men, of which I have had daily experience, adding at the same time, that in case of a sudden necessity of sending the ships to sea, a press would furnish me with the means of providing against any possible exigency that could arise. Though I speak of a press, I do not think we shall have any occasion for one. When I spoke last on this subject, I said I believed we should not, nor have I had any reason since to change my opinion; but I did not then bind myself to any positive engagement that press-warrants would not be issued. I am still as far from thinking that they will, but I by no means tie myself down to unconditional promise that they will not. I repeat what I have said before frequently, that nothing but necessity will oblige me, and that necessity seems as far distant as ever. Pressing, my lords, is attended with great severity and uncommon hardship; nothing can be more dreadful than to tear a useful member of society from his family and his dearest connections,

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when probably his industry and protection is most wanted. I have often turned my thoughts to the subject, and hope in the end to be able to perfect some scheme which will render pressing of seamen entirely unnecessary. I have already had some experience that the usual mode of procuring men is most certainly defective; and while I wish to explain myself, I am glad to have an opportunity of speaking of the worth and merit of two very deserving officers; one of them a near relation to a noble earl, whom I now see in his place (lord Abercorn); the gentleman I allude to is captain Hamilton; the other, captain Pownall, who, with a fortune of 100,000*l.* without any temptation to go to sea, but what was inspired by a sense of duty and the justice of the cause: both those officers tendered their services unasked; and without any application for assistance from the Admiralty, procured their complements within a few days, so as to be ready to proceed to sea; and that purely by entering men at rendezvous-houses to serve aboard their respective vessels. Such a mode of procuring men creates a confidence between the commanding officer and the seaman. The former is in some measure bound to act humanely to the man who gives him the preference of serving under him; and the latter will find his interest and duty unite, in behaving well under a person from whom he is taught to expect every present reasonable indulgence, and future favour. These, and other instances of a similar nature, which have come to my knowledge, have enabled me to point out one thing that might, in my opinion, be the means of furthering the naval service; that is, trusting less to the assistance of the Admiralty board, and giving every possible encouragement to the captains appointed to the command of ships to complete their own crews.—The noble duke says, that the foreign troops having marched to the place of embarkation, and not finding the transports ready to receive them, have been obliged to return to their quarters. I am certain the fact is not so, and will tell his grace that at no time has the transport service been more expeditiously conducted; for I am certain it was never known in this country that so many ton of shipping were procured within so short a time; and what rendered this circumstance the more extraordinary was, the extreme severity of the weather, which, by the returns made to me, had put a stop to all work and business for a fortnight, during the time of the frost. The noble duke who made the motion, has founded it on motives of humanity, equity, and sound policy. To the first I shall only say, that the present measures, if steadily pursued, will, to every substantial purpose, answer the ends of humanity, and be the most effectual means of preventing the effusion of human blood. In point of equity, I am sure the motives for rejecting his grace's motion are equally strong, unless we consent to surrender the most essential and sacred rights of the British legislature. And as to the policy and expediency, I will venture to say, that the noble duke is no less mistaken; for as we have the right, so I trust we have the power to assert that right, and will be able to convince the Americans, that our ability will be made no less conspicuous than the justice of our claims, the humanity we have manifested in the manner we have asserted them, and the measures we mean to pursue in their maintenance and support.

The Duke of *Richmond.* The noble earl who lately presided at the head of a certain department (lord Dartmouth) seems to doubt, or is willing to explain away, the expression alluded to by the noble duke who made the motion. I recollect his lordship's words precisely: I took a note of them at the time, and they were, "that it was the intention of administration to relax and conciliate, and never by force of arms to subdue America." This, my lords, I contend, was the idea thrown out in the speech; and was the ostensible object of the clause the last mentioned noble duke alluded to; though I perfectly coincide with his grace, that war alone for the purpose of subduing America, lay concealed under that clause, as now manifestly appears. What does the clause import? Does it contain any one specific provision? Is it not a loose, indefinite jumble of words, meaning nothing, or at least nothing but to vest in the crown a power of disposing of the rights of parliament; of leaving parliament all the odium; and giving his Majesty, should the scheme of coercing America prove impracticable, all the credit of any concession parliament might hereafter be disposed to agree to. I would desire your lordships to turn to the clause, and see the condition on which any measure of conciliation is to rest: "whenever any province, &c. shall shew a disposition to return to their duty." How is this disposition to be known? Not by the

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Congress, for you have refused to treat with them; not with any particular description of men, for there can be none legally entitled to answer further than themselves are concerned. There are no assemblies in being. Who, then, can you treat with, but with individuals whom you mean to detach from their countrymen, in order, by holding out offers of pardon, to create divisions; and by effecting that, forwarding your schemes of either simple conquest or unconditional submission? But I do assure your lordships, that this scheme, however artfully planned, or deeply laid, will meet with the fate of all the rest. The people, so as to answer the ends you propose, will never permit themselves to be duped. It will be received as the proposition made to the Congress by sir Grey Cooper. This will never effect what the 100,000*l.* offered by that gentleman to the Congress, if they would agree to the noble lord's conciliatory proposition, failed to do. Every offer, however covertly made, must be disclosed at last. That is the constitution of the Congress. They were obliged to impart to their constituents, that they refused the money; and that insidious proposition, though short of the system now pursuing, met with that contempt it deserved. But supposing that the Congress had consented, do your lordships imagine, that the people would have submitted to such ignominious terms? I am certain they would not. The Congress is a temporary fluctuating body, chosen for a certain term; and as the people found that the point at issue, had the Congress assented, would have been virtually surrendered, it is probable they would have appointed other delegates, who would have undone every thing that had been agreed to by their predecessors, for they would never acquiesce in a mandate which says, you shall tax yourselves, you shall collect those taxes, and send the produce to be deposited in the British treasury; and we do at the same time reserve to ourselves not only the negative of disapproving of the quantum, but likewise the right of taxing you in any manner, or to any extent, we may hereafter think proper. The noble earl, my lords, who spoke last, has made use of a very presumptuous expression in reply to the noble duke who spoke immediately before him. He tells his grace not only that he is totally mistaken and misinformed, but supposing him to have received his information from professional men, desires him to send those professional men to him, and he will convince them of their ignorance. This, I confess, is a language I have been hitherto unaccustomed to; I always imagined that professional men were supposed to know something of their profession; I always thought that in undertakings of an important and arduous nature, they were consulted. I never expected to have heard so respectable a body condemned in the lump, and included in a general charge of ignorance and incapacity. If the noble earl is serious, I think this fact ought to be one reason for our desisting from our present design; for if the charge be true, who shall we have to carry it into execution? Or, taking it in another light, if the talents and knowledge of professional men are held in so much contempt, and the noble earl has only relied on his own judgment, which, however transcendent in other respects, I cannot put in competition with those who have devoted their whole lives to a profession, I am not surprized that all our operations have hitherto miscarried. The noble earl has denied that vagrants or convicted felons have been entered and entertained aboard his Majesty's ships of war; but I can, partly from my own knowledge, contradict his lordship in this assertion. As lord lieutenant of the county of Sussex, I received an order from the privy council, signed by the noble earl in the blue ribbon (lord Gower) as president of that council, desiring me to cause the laws in being against vagrants, &c. to be carried into effectual execution. I believe there is not one of your lordships who are strangers to the intended operation of this order, or suppose that the proclamation alluded to was issued for any other purpose but to pursue the objects of the law, by causing the persons apprehended under it to be put aboard the ships then fitting out, and which, whatever the noble earl may have asserted to the contrary, I am well satisfied, were detained for want of hands, from proceeding to the places of their respective destinations. The noble earl speaks very pompously of the power, strength, and resources of this country. He may be right; but I think we have not yet given any great proof of them, except in the profusion of our grants. His lordship says, that our abilities have not been at all exerted; that we are able to employ and provide ten times a greater force than the present. His lordship is, I confess, very fruitful in expedients; but I suspect

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he has, in this instance, asserted more a good deal than he will be able to make good. By the votes of the other House I perceive, that six millions, or thereabouts, have been already granted for the service of the present year, in which is included, even for last year, nearly a million for extraordinaries. Now, without computing what the probable expence of the extraordinaries of this year will be, when four times the number of land forces, besides the very formidable fleet the noble earl has entertained us with an account of, are to be employed, I just confine the expence to what is already granted. I would then ask the noble earl whether he seriously thinks that we are able to raise sixty millions? for his assertion goes exactly to that; or supposing that we were, whether it would be politic, to involve us in a situation which might render such an exertion of our strength necessary? It is on account of our defenceless state at home, the heavy expence the prosecution of a war at so great a distance must cost, the deluge of blood which must of course be spent in such a quarrel, the fear of an attack from our foreign enemies, but above all, the injustice of the cause, that I am for heartily agreeing with the noble duke's motion, as a means of preventing all those accumulated evils with which we are threatened. I, for one, am free to declare, that should the colonies persist, and refusing to enter into terms of accommodation, claim rights destructive of the sovereignty of this empire, I should thenceforward be silent in their behalf, and should be as earnest as the most zealous of your lordships, in compelling them to that species of submission in which the strength and power of this country, and all its dependencies, most essentially depend.—Before I sit down, as perhaps it may be the last time I may have an opportunity of addressing myself to the right reverend bench on this occasion, I shall say a word or two to their lordships. It is true I have been as yet rather unsuccessful in my appeals to that quarter; but when to the motives of humanity, and all the sanctions arising from a love of peace and an abhorrence to the effusion of blood, I shall add the considerations of their lordships' own personal concerns, I flatter myself, I shall be heard with greater attention by the right reverend body. It is possible, my lords, that in the present conflict, while both parties are warmly contending, the constitution may be destroyed, the rights and liberties of the people may be annihilated, or another revolution may happen, and the government may be overthrown. In the latter event, what will probably be the consequence?—but that in such a state of things, you, my lords, (the bishops) may a second time fall a victim to the rage of the people. The golden prebends, the rich deanries, the overgrown bishopricks, may be sacrificed to appease the wrath, and gratify the expectations of the prevailing party. This may be the case, should the constitution be overthrown, and it has always been in this country a consequence of bad government. Our rulers have first provoked the people, the constitution has been violated, attempts have been made on their parts to support those violations, and the people have generally prevailed in the struggle; so that the event has been, that, whether the rights of the people have been vindicated or invaded, the government has been dissolved. It is on this account I now particularly address myself to the right reverend bench, to remind them of their real situation, and to warn them of the consequences of a state of civil confusion, as they perhaps will be the first and most material sufferers.

The Earl of *Sandwich*. I never arraigned the abilities of professional men in general; I never desired that they might be sent to me, to instruct them. What I both said and meant, my lords, was, that the noble duke was misinformed; that if he had his information from professional men, I know who they were; I knew they were superficial, and as such recommended to his grace, to send those professional men to me, and I would convince them that they were ignorant, and knew nothing at all of the matter. I therefore appeal to your lordships' candour, whether my words admitted of such an interpretation as the noble duke has put upon them. I am sure they did not; for as no man has a higher esteem for the profession, so no person can be more perfectly convinced of the very accurate and extensive knowledge of many of those brave and experienced seamen alluded to, who would do honour to any profession, or any service.

The Earl of *Hillsborough*. I was not present in the House when the noble duke, who made the motion, adverted to me in a matter of explanation relative to the conduct of the cabinet in 1769, when it was proposed to repeal the Act for lay-

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ing on the port duties in America. I have been now informed that his grace has asserted he was over-ruled and out-voted in council; and that I sent him a note stating the transaction. I do not say that the noble duke did not receive such a note, but I deny that it ever came either directly or indirectly from me. The noble duke who spoke last, has again adverted to my unfortunate letter, which has afforded such ample matter for discussion; and has asserted, that it was done with an intention of amusing the colonies, and deceiving them. There is nothing, I trust, I would be further from being guilty of, than deceit, in any shape or to answer any purpose. I am certain such a charge will be found totally groundless in the present instance. I appeal to the obvious construction of the letter itself; and I would recommend to such of your lordships as may hereafter think it worth your while to take notice of it, to first desire it to be read, in order that the House may be enabled to judge for themselves, and not be misled by any partial interpretation of it. The words of the letter, so far as they relate to the present subject, were, that his Majesty's then ministers engaged for themselves, and desired the respective governors to assure the several assemblies, that it was not the intention of this country to lay any tax on America, for the purpose of raising a revenue. Supposing, then, that this promise were binding on all successive administrations, which I presume will hardly be contended for, will any noble lord produce a single instance in which this promise has been departed from? Has there any tax been imposed, or duty levied, since that period? I will not trouble your lordships with any particular discussion on the right this country has to tax the colonies. My general sentiments are already fully known. If sovereignty includes every thing essential to its inherent power and exercise, it is to the last degree absurd, to distinguish between the general legislative right to govern, direct and controul, and the partial limited object of taxation, which is clearly included in that right, and necessarily forms a part of it. It would ill become me to waste your lordships' time in pursuing the self-evident consequences which flow from this principle. The point of expediency in the outset of this business might have admitted of argument: the present state of it cannot. The gentleman (Mr. Grenville) who first proposed the Stamp Act, saw this point in a very clear light, and determined to couple the maintenance of the right with the necessity of obliging America to contribute to lighten the burdens she had been accessary in creating. He was a worthy, able man, and in some respects a great man; yet if he could have foreseen all the consequences that have since happened, I have strong reasons to believe he would have desisted from his design. The gentlemen who succeeded him were actuated by the best motives: they found that country in a state little short of civil confusion. From a solicitude to preserve the peace of the empire, they consented to the repeal of the law which created those unhappy disturbances; but even that administration acknowledged the principle laid down by their predecessors in office; for they accompanied the repeal of the Stamp Act, with the Declaratory law, which maintains the legislative supremacy of this country in all cases whatever. When the duties were laid on in 1767, I did not attend, nor had I any hand in imposing them; nevertheless, as the right was questioned by America, I was of opinion, that unless we resolved entirely to relinquish the sovereignty over that country, we ought by no means to consent to a total repeal. I saw the necessity of retaining a part of the duties, till America should recognize the right of imposing them. I voted against the total repeal on that ground; and I concurred in advising the latter on the same motives. A clear and specific acknowledgment of the right, I thought necessary; when that was completely secured, I was willing to concede on the ground of expediency alone. I am still of the same opinion, and shall ever continue to resist, to the utmost of my power, every proposition for concession or accommodation, short of submission and acknowledgment, such as I have described; because, I am perfectly convinced, that if the right of taxation be surrendered, every other beneficial right of sovereignty will soon follow, and America in the end be totally separated from this country. The noble duke, on a former occasion, expressed his disapprobation very strongly of the law for altering the charter of Massachusetts Bay. For my part, I think the law was in every respect extremely necessary. First, as to the right, because every charter, from the very nature of the grant, is controulable and dissolvable by the supreme legislature. Only reflect, my lords,

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for an instant, what the consequence would be, if the contrary were true? The King might grant exclusive privileges by charter; he might name them in such a manner as to render them totally independent of parliament; and he might in fact, by this means, parcel out the whole empire into as many independent communities as he pleased. Surely, my lords, such an absurdity is not to be endured. I contend, that all corporations are under the controul of parliament; that it is competent for parliament to alter, amend, or abridge the privileges thus granted, whenever they see that the interests of the empire demand it. Let us, then, in maintenance of the general principle, make a particular application of it, as affecting the colony of Massachusetts Bay. Towards the latter end of the reign of Charles the 2nd, a policy prevailed which I as heartily disapprove of as any of your lordships, that of dissolving charters at the mere will and pleasure of the crown, or at least in a mode nearly as exceptionable. I believe, however, that the matter I am going to allude to, happened to be an exception to the general abuse of the power exercised by that monarch. It was discovered, that the charter granted to Massachusetts Bay, was no more than an incorporation of certain persons, for the mere purposes of carrying on trade, under the description of a chairman and so many assistants; the vacancies in the latter to be filled up by the chairman, and the president's seat, when a vacancy happened, by the majority of the assistants. What was the consequence? Why, this body of men usurped all the powers of civil government; and instead of a trading company, erected themselves into a kind of little republic, disclaiming almost all political relation to the parent state. Actuated by those principles of republicanism, which have prevailed among them in a greater or lesser degree since their earliest settlement in that country, the chairman soon assumed the name of governor, and his assistants that of a council, over whom, for the reason before assigned, the King had no power, for he was not permitted to appoint either. The charter on this account was accordingly dissolved; and though after the Revolution the people of that province did every thing in their power to obtain a renewal of it, their endeavours proved unsuccessful. King William's council, though they had risked their lives and fortunes in support of the constitutional liberties of their country, could never be prevailed upon to establish, or renew claims so derogatory to the legislative rights, the sovereign controul, and the essential interests of this country. At length the people of New-England were obliged to submit. Their country was divided into distinct governments, and the King reserved to himself the power of appointing the governor in the province of Massachusets Bay, and provided in another manner for the election of the council. So the constitution of that government stood at the commencement of the present disputes, when it was found that a defect remained, which was very severely felt, and which caused a continual interruption to the carrying on of the public business. It was this: by king William's charter, though the appointment of the governor was reserved to the crown, the council were chosen by the people. By which means the governor found himself continually thwarted or over-ruled in council; consequently, whatever measures he adopted were either weak or inefficacious, and government became in a great measure useless or inactive. To remedy that evil, the Charter Bill was framed and passed into a law. I am sorry it was not thought of earlier; for I am certain if it had, none of the consequences which are now so justly lamented, would have happened.

The Earl of *Shelburne*. I came down this day to the House with an intention of seconding the motion made by the noble duke, because I think it the only measure now left which can possibly extricate us from that inevitable destruction which awaits us, should we obstinately persist in our present wild and romantic system of conquest and coercion. I have, from the beginning of this melancholy business, been always of opinion that a middle path might be hit on by which this country may be enabled both to acquit herself with honour, and to diffuse the blessings of her once happy government to her American subjects, without sacrificing those interests, which I shall always be as zealous to retain as any one of your lordships; meaning, however, to be understood on this clear principle, that the power of taxing themselves, and the rights enjoyed by charter, must be preserved to the colonies inviolate. I shall ever think, that any attempt to deprive them of either of those, will be no less unjust in principle, than impracticable in the execution. I know,

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even after concession on our side, and submission and confidence on theirs, a great deal will still remain to be done. Much must be trusted to the wisdom, integrity, and moderation of ministers. They will have many great and uncommon difficulties to encounter. I foresee many of them. The disposition of the army in particular, I predict will be the source of great doubt, and no small contrariety of sentiment both here and in America. I however put in my claim to be understood, as by no means giving up or being willing to relinquish the right inherent in the sovereign, of ordering, directing, and stationing the army in whatever part of this empire he may think proper; and I confess it is with no small degree of astonishment and uneasiness I have heard doctrines of a very different nature maintained within this House by several noble lords, whose more peculiar business it is to take care that his Majesty's just prerogatives be maintained entire and undiminished in all their parts. I particularly allude to the transactions in Ireland, and the language held by the parliament of that kingdom. It is true, I have a very considerable property in Ireland, and have its interests sincerely at heart, but nevertheless I would not wish to advance them at the expence of this country. Besides, I am convinced, that any partial favour granted to that kingdom, unless in points of local advantage, which do not interfere with the controul and supremacy of this, would in the end be no real advantage to it. If the laws against Catholics be cruel and impolitic; if the monopoly claimed by this country, in some instances, be liable to the same objection; if any laws are wanting which may encourage domestic industry and promote cultivation, none of your lordships would be readier to agree to any scheme which might conduce to ends so salutary and desirable: but when I hear it asserted that the military force of this empire is to be divided into separate establishments, not under the immediate controul of the sovereign; when I hear it maintained that it is not competent for his Majesty to send foreigners, under the sanction of a British parliament, into any part of the empire, for its particular defence, or for the safety of the whole; when I hear that a certain local military establishment is fixed, and, as it were, locked up in Ireland, so as not to be called forth, as the exigences of affairs may require; I cannot forget my duty so much as to be silent, and not express my most hearty disapprobation of doctrines so derogatory of the prerogative of the crown, and the controuling and superintending power of the British parliament. As to the question immediately before your lordships, I look upon it the only one now left for our national salvation. It admits of but one plausible objection, which is, that should we now recede, it would operate as an encouragement to America to rise higher in her demands, on a supposition that our conceding at this particular crisis would induce her to conclude, that timidity and a consciousness of our own inability, not a love of justice, were the true motives. Granting every thing which may be built on this argument to have great weight, I would only oppose to it this one consideration, urged by a noble duke (of Richmond), that should this turn out to be true, it would give the friends of government such a superiority, such a concurrence of hearts and hands, as would be more than a sufficient counterbalance for any inconvenience which might arise from the suspension of arms proposed by the present motion. On the whole, I can see no solid objection to your lordships agreeing to it: I perceive innumerable forcible reasons for your acquiescence. I foresee the possibility, if not the strong probability, of our being compelled to engage in a foreign war. I am convinced, that the present schemes of conquest and coercion are unjust. I am satisfied they are impolitic, and as such heartily unite in opinion, that the present motion ought to be agreed to on every principle of humanity, equity, and sound policy.

Lord *Lyttelton*. Though I do not think that the noble lords who support this motion, nor any other noble lord in this House, have any right to desire explanations from ministers, on points which arise and are incidental to their offices, yet, for my own part, as the matter has been pressed pretty forcibly by several of the noble lords in opposition, I should be glad to know from the noble lords in office, whether they have specific assurances from the courts of Versailles and Madrid, sufficient to give them a perfect security that this nation will not be interrupted in the present measures for the purpose of reducing our rebellious subjects in America. I urge this more for the sake of strengthening the hands of government, than for the mere purpose of information; for I am perfectly satisfied, that no threats or

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intrigues whatever should prevent us from reclaiming America from its present disordered state, and securing to us in future its dependence and constitutional submission. But my motive chiefly is to remind ministers of what has fallen in the course of this debate, lest their silence may be construed into a positive acquiescence. The noble earl who spoke last but one (lord Hillsborough) has exculpated himself very ably from the charge of intentional deceit, imputed to his circular letter: but I am far from following that noble earl in some of the reasoning he resorted to. His lordship told you that no tax had been since imposed; that if there had, it was not imposed by the same administration; and that very few, if any, remained in office now, who were in office at the time the letter was written. To me, further than the purpose of mere personal exculpation, all this seems extremely irrelative. I cannot agree that any engagement made by any administration, can be deemed binding on your lordships. I cannot conceive that it is in the power of any set of ministers, however able, to compliment away the inherent rights of the British parliament. If the power be in the parliament, as I am sure it is, they cannot even themselves surrender it, without a manifest breach of trust. I take it to be a right original, co-extensive, and inalienable, not to be parted with or transferred. If so, how much less can parliament and the nation at large be bound by engagements of this nature made by ministers? I allow that the right of taxation, which is the leading point in dispute, may, from motives of expediency, be suspended, or abstained from; but I do contend, that it can never be abandoned entirely, because it is essential to the very nature and exercise of civil government. The motion now before your lordships is indeed of a very extraordinary kind. What does it offer? That after the most notorious acts of violence, after the most patient forbearance on our part, after giving proofs of moderation never before heard of, we are desired to suspend all further operations. Is this consistent with the wisdom and dignity of a great and powerful nation? Consider, my lords, what a figure you would cut in the eyes of all Europe, in those of your own subjects, in the opinion even of the very people for whose sake the benefit is intended. Would they not all unite in pronouncing it the summit of folly, of cowardice, and national weakness, not lenity and humanity? I am astonished to hear the noble lords on the other side urge so warmly motives of humanity, in order to induce your lordships to agree with the present proposition. Are there any people under heaven have acted more inhumanly than those very people for whom they now plead? Have they not already destroyed even the very appearance of government? Have they not ruined, banished, and proscribed every man, who has even dared to differ from them in sentiment? Have they not trampled on every right of personal liberty and private property? Have they not even gone so far as to stifle all free discussion in print, and overthrown that great palladium the liberty of the press, in the person of Rivington, whose only crime was, that he published the thoughts of men who ventured to disapprove of the measures they were pursuing? I do affirm to your lordships, that I have particular information to support me in these general assertions, from gentlemen of undoubted veracity, who have related a variety of particulars that would astonish you, if they were made known. But, my lords, besides the great question depending between both countries, I would only ask, what will be the certain effect of this motion? It will only be to give the colonies time to prepare for more vigorous resistance; and if what has been thrown out this day, relative to the real disposition of foreign powers, has any foundation in it, it will answer every end of giving time both to our natural enemies and rebellious subjects, to make such preparations as will for ever after put it out of our power to reduce the latter to a proper state of obedience.

The Bishop of *Peterborough*. I am not so insensible of my own insignificance, and, I trust, shall not be so forgetful of my duty and my place, as ever to become a busy meddler in political matters; but your lordships will not think it unbecoming my station to say a few words in support of a motion, which, notwithstanding what the noble lord who spoke last and the noble earl who spoke some time before him, have objected to it, appears still to me founded upon principles of humanity, justice, and sound policy.—The substance of those objections, which have the most colour of argument, is, that it is unbecoming the dignity of Great Britain to treat with subjects that are in rebellion to her authority, while they have their arms in their hands; and that a republican spirit

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of independence being the real ground of the dispute, to negociate would be only to delay, and give the colonies time to strengthen themselves, and thereby become still more formidable than they are.—As to saying the Americans are not to be treated with, while they have arms in their hands, it is, in effect, the very same thing as saying they shall not be treated with at all: for it cannot be supposed, for a moment, that a whole people, engaged in what appears to them the very best of causes, who have already committed themselves so far as to incur the censures of rebellion, should, while they have the means of defence left, forego their only hope, and submit themselves unconditionally to the will of those whom they think have injured and oppressed them, without having the least assurance which they can rely upon given them, either of redress or security.—The plain and only inference to be drawn from this argument, is, that slaughter and devastation must now necessarily be the only means employed to re-establish mutual confidence, and a cordial reconciliation. As to the idea of the noble earl, that these troubles originated from a republican spirit of independence, and therefore to treat would only be to delay, it seems to me a begging of the question; and to shew it is so, I beg leave to recall your lordships' recollection to what was said in the debate on the Boston Port Bill. Your lordships were then informed, that the discontents in America were confined to the lower order of the people, and were only the idle clamours of an inconsiderable faction, whose chief support was the encouragement they had from persons here at home. In the next session, when the disturbances grew more alarming, they were said to be owing to the defective constitution, and turbulent spirit of a single disaffected province; that constitution was altered, and the evil increased: now it is spread over the whole continent, and it is attempted to persuade your lordships that it has all along proceeded from one general principle of universal independence.—For my part, my lords, believing in my conscience, as I do, that we need look no farther for the origin of these troubles, than the fatal imposition of the Stamp Act, I can by no means admit the notion, that absolute independence is even now the object of America. When I first heard the position at the opening of the session, it was altogether novel to me, in any other light than as one of the many hydra heads, that naturally spring from the blood of civil dissention: that some there may have been who from the beginning had it in view, I will not question; but if their party ever becomes general, it will be the consequence, and not the cause of our disputes. Ill, however, does it seem to become the wisdom and gravity of your lordships' counsels to adopt such a persuasion on mere presumptive evidence, and it stands on no other.

For whether America does or does not really aim at absolute independence, is by no means only a speculative idea; it is fraught with consequences of the utmost importance; it is big with all the horrors of war and desolation abroad, with all the evils of dissention here at home. Ill therefore, I say, does it accord with your lordships' wonted caution to decide on so material a point upon bare probability, deduced from doubtful premises, by surmise, inference, and conjecture, while positive proof was to be had; for had it certainly might have been, and I hope still may be had, if an assurance was given to the colonies, (on laying down their arms, and making restitution for the violence done to private property) of security against the exercise of taxation. It is principally on this, by them deemed a constitutional point, and not on visionary ideas of an independence which nothing but a perseverance in error on both sides can ever realise, that America is united, and hazarding all the consequences of resistance. The noble duke's motion is calculated to prevent the dire conflict between resentment and despair. It proposes no terms, which might embarrass administration, not even such as must be granted whenever an end is put to this war; for there are very few now so sanguine in their expectations as to think that America, if entirely subdued, could be held in peaceable subjection, under the exercise of taxation. Should it, however, appear that nothing short of independence will satisfy America, it will at least have this good effect, it will let us all into the real ground of the quarrel, concerning which we so widely differ at present: it will unite the sentiments of all parties; it will give stability to administration, enable them to unfold their plan of operation, and leave no other subject of debate than whether it is best to conquer or abandon.

His lordship then added, that it was not his intention to enter into the discussion of a point that had already been too

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much agitated, and which he wished had never been agitated at all, namely, the supremacy of parliament; but as he hoped to trouble the House no more on the subject of America, he begged leave to submit to their consideration a short reflection or two. In whatever light, said he, I have viewed this subject, I have never yet been able so far to confound my ideas, as to suppose that power and right are synonimous terms; and to me it appears to avail little, that it should be said the power of parliament extends over the properties, when it has ceased to influence the opinion of the subject. Parliament may indeed call men and things by what name it pleases; it may say that what was formerly considered as an aid, a free gift of the people, shall henceforward be looked upon as an act of legal obligation. It may say this or that is rebellion, and it unquestionably becomes so thus far, that he who counteracts its decisions must suffer the penalties, and may die as a rebel; yet, after all, there is no earthly government whatever, but in a great measure is founded upon, and is co-extensive with opinion: and when once the whole mass of a people think themselves oppressed, be the case real or imaginary, it is the wisest, because it is the only safe way for those who govern, to change their system, and thereby prevent those struggles which in the end, if not fatal to liberty, are dangerous to themselves. In every exertion of power, civil or natural, it is right to consider what is, and what is not, practicable: it was the glory, as well as the policy of imperial Rome, at the summit of her greatness; it has in more modern times been the peculiar boast of Great Britain, and may it be her practice to the end of time——"Per populos dare jura volentes."

Earl *Gower* confessed, that he had been one of the members in the cabinet who had advised and concurred in framing the circulatory letter, written by lord Hillsborough in 1769, and then read the copy of a letter written by a member of administration in 1765 (general Conway) to the American governors, maintaining the very doctrines supported by the noble lords who spoke against the motion, that America, before she had a right to expect any indulgence from the mother country, must first acknowledge her sovereignty, and the supremacy of this legislature.

Lord *Abingdon* said that the right of taxation, insisted on by them, stripped America of her property; and the claim of having a right to alter her charters, deprived her of her municipal rights; so that, on both accounts, the present war to compel her to an unconditional submission, was a war of conquest, and if successful, must terminate in the absolute slavery of the vanquished.

Lord *Camden*. I have so frequently given my opinion on the injustice, on our part, of compelling America to pay taxes, without being represented in our parliament, contrary to the fundamental principles of this constitution, the privileges the people of that country are entitled to, as British subjects, and the inalienable rights of mankind, that I shall not presume to trouble your lordships on these subjects again, unless they come directly under debate, or make an essential part of the matter under consideration. I shall chiefly confine myself to the object of the present motion; observing, however, before I proceed further, that if there was any colour for the claim of taxing the colonies, the form, the right which has been attempted to be exercised, is absurd beyond precedent. If it could at all be defended, it must be as an act of sovereign power issuing from the legislature; but the absurdity of the other House, whose power of granting aids arises from representation, granting other people's money, is a solecism in politics and legislation, reserved for modern discovery; an idea that every impartial, intelligent man must treat with derision; an idea which our predecessors would hardly believe possible to have entered into the mind of man to conceive, were they to rise from the dead, to behold the ridiculous scene that is now passing, and the manifest injustice which it involves in it. The light I take the present motion in is, to remedy that extraordinary Act called the Capture Act, passed immediately before Christmas. I confess I am astonished how such a law could have ever received your lordships' sanction. I do not mean to arraign its cruelty, injustice, and impolicy, they do not come within the view I intend to take of it. I was indisposed at Bath the time it passed this House, and I should be glad to know from either of the learned lords who defended it, how they could possibly permit the clause of pardoning to pass unnoticed; or how they could let such a manifest imposition be put on the House, as that the clause delegated any power whatever of opening an accommodation with the colonies? What does this celebrated clause

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say? That his Majesty shall be impowered to grant and receive submissions. I would ask the learned lord, whether his Majesty can, under this Act, empower commissioners to grant pardons to provinces, and whole bodies of men. If he should answer, that he can, I will engage to prove that he cannot; and that any person who presumed to act under such a power, would do it at his peril. But if his Majesty could delegate this power in the extent contended, would that answer the professed object of the clause? Would it enable the commander in chief, or commissioners, to enter into a treaty, or agree upon conditions? I do maintain it would not. The man who under such an authority dare make a single concession, short of receiving an unconditional submission or surrender, would hazard his neck. To what purpose then to send out commissioners to treat, when any treaty, communication, or intercourse whatever, according to the language of this House, would not only be treason against the person of the king, but treason against the state, and the legislative rights of parliament? The people of America have been declared rebels: the very Act I allude to describes them as such. Where, then, is the man bold enough to accommodate the subsisting disputes, by an authority short of that which declared them so, except, as before observed, America should unconditionally submit? This, then, is the clearest proof, that unconditional submission is the object in view, though it was endeavoured to be concealed under the flimsy clause I have been now commenting on; and it is on that account principally, that I am desirous the present motion should succeed, to get at the real intentions of administration, to know whether they mean at all to recede from their full demands, or whether they intend to risk every thing to pursue war for the purpose of a complete conquest in one event, or unconditional submission in the other. Their refusal will no longer leave a doubt of their ultimate intentions. Concession, treaty, negociation, &c. will have just as much meaning as the word 'accommodation' had with the soldier in Shakespeare; accommodation, when desired to explain it, he said, meant accommodation. But, my lords, great stress is laid upon the Americans seizing the castles, forts, munition, &c. of his Majesty; and it is said this is rebellion. If this is true at all, the case can only apply to Canada. If, however, we are to examine the law, which in affairs of this nature can be our only guide, I question the truth of this assertion. Previous to Edward the 6th, it was not punishable as treason; during the reign of that prince, a law was enacted, which made the retaining the king's castles, fortresses, &c. against his consent, high treason. In the succeeding reign, that of queen Mary, that, with all other laws passed since the 25th of Edward the 3rd, were repealed; and I know of none since enacted for the purpose; and, for my part, I cannot see, if the offence was merely confined to that, how a person could be legally punished. In this very strange clause I perceive there has an expression crept in, and but for the whole complexion of this iniquitous affair I should have been inclined to imagine it got there by the blunder of the clerk, as it is rank nonsense; it is the condition on which the pardons are to take place, as soon as the province shall be in the 'King's peace.' The phrase is an unmeaning one, as applied here. The king's peace, if it means any thing, relates to the ancient custom, when the feudatories made war on each other, in avenging personal wrongs, or by way of reprisal and retaliation. When the king thought proper to put a stop to such quarrels, he proclaimed the respective districts which were the seat of quarrel, to be in the king's peace. I have turned the matter frequently in my mind, and think I have at length discovered the true reason of introducing this antiquated term. It is of a piece with all the rest of this business, which has been directed from the very beginning, to enlarge the powers of the crown, under the flimsy pretence of asserting the rights of parliament. Parliament is at all events to be disgraced; and when ministers have experienced the impracticability of their schemes, all they think they have to do will be to declare the province to be in the King's peace. Hostilities will instantly cease, and, as a noble duke observed early in the debate, parliament will incur, both here and in America, all the odium of this attack on the liberty and property of their fellow subjects; and the King's servants will have the credit of conceding and desisting from an attempt, of which they were the original authors, but which experience had taught them, was as impracticable as it was unjust, cruel and oppressive.

Lord *Mansfield*. If the noble lord who spoke last, had not so fully explained what

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the noble duke, who made the motion, and another noble duke, who spoke later in the debate, meant by appealing to me, I never could have conceived, that I should have been called upon to explain or defend a Bill, which I do assure your lordships, I never saw nor was consulted upon, till it was debated on the second reading. I remember, I came very late into the House that evening, and should not have said a syllable, if I had not been called upon then, as I am this night. There were but two doubts started on that occasion; one of them was, by a noble duke (of Richmond) who wished to know if the ships, their tackle, and apparel, lying in the ports and docks of America, not expressly offending against the principle of the Act, by carrying on or intending to carry on any trade, &c. came within the intention of the general clause which creates the forfeiture under the description of all ships, goods and merchandize. I informed your lordships, that I thought it did; because any exception might be a source of endless confusion; for if a line were attempted to be drawn in favour of certain persons, or in respect of the mode of incurring the forfeitures, it might probably totally defeat the purposes of the Bill. The other objection raised, was by the noble lord over the way, (lord Shelburne.) His lordship contended against the power of pardoning in the lump, vested in the crown by the Bill; for my part, I am of the same opinion I was then; I thought that the power of pardoning in the lump, was a prerogative inherent in the crown, from the earliest date of the constitution. I knew such a power had been uniformly exercised by the successive monarchs of this realm, from the Conquest to this day. I knew, likewise, that as they have exercised it themselves, so they have frequently delegated it to others. And on this head, I have only to add, that his Majesty's ministers were so well satisfied of the power itself, and the competency of the crown to delegate it; that a noble lord (Dartmouth) near me, in some successive stage of the Bill, moved an alteration in the preamble, for the purpose of reserving that power. I am, therefore, clearly of opinion, that his Majesty might have granted pardons, as well to individuals, as in the lump to whole provinces, if that Act had never passed. The learned lord, from the nature of the commission, has raised arguments and drawn conclusions, on the objects to which it may, or can be legally directed. This, my lords, will greatly depend on circumstances, and the prudence and abilities of those to whom the execution of the commission is entrusted. It may be presumed, they can have nothing to fear, if they perform their duty faithfully. It can hardly be supposed, that they will incur the displeasure of parliament, for acting up to their instructions; and it is still less probable, that they will risk the censure of both parliament and their sovereign, by any improper exercise of their powers. The learned lord is at a great loss to know the precise meaning of the phrase "well disposed;" and the legal definition of that other phrase of being "in the King's peace." For my part, I am at no loss to comprehend the meaning of both these expressions, the first plainly importing a disposition in any province, town, or district, to return to their allegiance, and recognize the supreme legislative authority of this country; and the other, a proclamation on such recognition and acknowledgment on the part of the persons authorized by the Act, to declare such colony or province to be in the King's peace; that is, to be deemed to be under the protection of the laws, and be restored to all the privileges of peaceful and dutiful subjects.

My lords, I could not help observing, in the course of the debate, that almost every matter connected with the affairs of America, has been amply discussed, but the very proposition your lordships have been convened to consider. The port duties laid on in 1767, and the partial repeal in 1769, have been much dwelt on; there is not a syllable relative to either in the motion. A noble duke has gone into the state of the navy very largely; there is nothing about the navy in the motion. Another noble duke has talked a great deal of convicts and vagrants—the motion is quite silent on that head. A third endeavoured to prove, that the work imputed to Montcalm, was a forgery. The same noble lord found fault with the military arrangements in Ireland, subjects totally unconnected with the motion; and the learned lord who spoke last, harangued on the improper interference of government in the affairs of the East-India Company—all matters totally foreign to the immediate subject now before you.

It has been much insisted on this day, that the present is a legislative war, and

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therefore, that his Majesty is bound up from exercising his prerogative, and that the matter has been committed to parliament. Supposing this to be strictly true, has not the Act alluded to created the very power under which the commissioners are to act? Supposing it otherwise, will the crown be denied the exercise of its inherent prerogative in the present instance only, where it is most wanted? But, my lords, the distinction of a legislative war is perfectly new. Was not the war relative to the succession, and several others of the same kind, legislative wars? May not every war be called so, which has been carried on by the express desire or consent of parliament? I do not, indeed, recollect one carried on since the Revolution, without that sanction.

This country, my lords, is now arrived at a very tremendous crisis, just commencing a war of a nature entirely new; a war, that must necessarily be very expensive, and the issue of which no man can foretel. It is true, that the kingdom will in a great measure be left defenceless; that we can have no certainty that France or Spain will long preserve their present pacific dispositions; that we have been reduced to the necessity of hiring foreign troops, and sending to the ports of other kingdoms for transports. But how, my lords, were these circumstances to be avoided? America has rebelled; America is in arms; not defensively, but offensively; even if we were willing to cease hostilities, they are not. We must therefore act with vigour, and we must at least shew ourselves determined to surmount their opposition. Happy would it be for us, if any means could be devised of ending the quarrel without bloodshed; but does the present motion tend to such an effect? Without proposing to save a shilling of the enormous expence the nation has been at, in providing and equipping the armaments to be sent out this year to America; it agrees that the troops should proceed; but when they shall arrive at the place of their respective destinations, they are to remain with their arms folded, inactive and unemployed. What then—commissioners are to treat with the congress; they are to prepare a petition of grievances, which the petitioners are to bring to England. The congress will laugh in their sleeves at our folly; they will reprint their declaration of war under a new title, for that states what they term their grievances. We shall lose a campaign, of which they will take care to avail themselves, and the next spring we shall have the whole to begin again. This, my lords, would, I conceive, be the issue of the present motion; I therefore oppose it, as nugatory, ill-timed, and ineffectual.

Lord *Camden*. I shall not trouble your lordships at this late hour of the night, in making observations on the many curious matters your lordships have been now entertained with. I cannot help, however, making one remark, which personally applies to the learned lord; that is, his saying very little to the question, and a great deal on other subjects, according to his lordship's language, not at all connected with the present motion. I shall confine myself to that part of his lordship's speech, which relates to the power of granting pardons. The learned lord surely misunderstood me, if he imagined that I questioned the king's power to pardon. No, my lords, what I contended, was what I pledge myself to your lordships that I shall be able to prove, that the king cannot pardon in the lump, without the aid of parliament, offences against the state; much less can he pardon or agree to any terms short of the claims and conditions which parliament have defined to be the true basis of conciliation. The noble lord, by the pains he has taken to defend the act, seems to be the father rather than the casual defender of it. He says, that the commissioners will take care not to transgress the limits of their commissions. Will his lordship tell me, that the latter extends an inch farther than the mere power of granting pardons, on terms of submission, by the people of America laying down their arms, and throwing themselves unconditionally at the feet of this country? This, then, being the true state of the case, it brings me to the point I set out from; which is, that the present motion is become necessary, to prevent the further effusion of human blood; and as the means of putting an end to a war, which must inevitably bring on the destruction of either, if not of both countries; it will supply the defect of the Bill, I have been now commenting on; it will be the means of drawing forth specifications from the parties, of their respective claims, and will consequently lay a foundation for treaty, which can be the only safe road to conciliation; whereas the clause in the Capture Act is nugatory and delusive. It leaves the matter just as it found it, according to the learned lord's own ideas;

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for if the king could delegate the power of pardoning and receiving submissions, the act of parliament says no more; and as to any power of conceding or conciliating upon terms short of unconditional submission, which is an explanation too improbable for your lordships to look for, unless preceded by actual conquest; his lordship, I dare say, on reflection, is perfectly satisfied, that no such power is contained or delegated by the clause in question.

Viscount *Weymouth*. My lords, a question has been pressed by a noble lord (Lyttelton) relative to the present disposition of the courts of Versailles and Madrid, which I do not think myself at all bound to answer, as a member of this House; nor in any other capacity, unless called upon by an address to the crown for papers. I am happy, however, to remove the doubts suggested by the noble lord, by assuring your lordships, that at no time within my recollection, had this country less reason to be jealous of the dispositions of those courts, than at present. His Majesty's ministers have received repeated assurances of their pacific intentions; and I am further convinced, that although they should have entertained sentiments diametrically opposite to those they profess, they have it no more in their power than in their inclination, to effectuate any measure which might be the means of involving this country in a war, or of impeding the plan of operations designed to be carried into execution. The noble duke who made the motion, had stated a fact, relative to two French gentlemen arriving in the rebel camp, and after having an interview with the general, of their proceeding to the congress at Philadelphia. I have heard that there were two persons at the head quarters at Cambridge, of the description mentioned; but when I heard it, I looked upon it, that they were gentlemen who were making a tour of the American continent for their amusement: or merchants, who went there to negociate matters in the way of trade, on their own private account; and I think so still.

The Duke of *Grafton*. My lords, I have long observed, that some persons, from long experience in the modes of controversy adopted in the courts below, where matters are frequently represented in every light but the true one, have acquired a knack of holding up the weak parts of a debate ludicrously; and when they find themselves pressed in argument, resort to ridicule, in order to draw the attention of the House to extraneous matter. Thus the learned lord, (Mansfield) has claimed a kind of triumph, by commenting upon every thing which seemed not immediately to relate to the motion now before your lordships, and in the very spirit of the conduct he has reprehended in others, has sat down without saying any thing, or next to nothing, on the question under consideration. I differ widely from the learned lord; for I shall ever be of opinion, that every object connected with the present cause of dispute with America, is well worthy of your lordships' consideration. I hope I have too great respect for your lordships, to offer any motion to your consideration which I thought did not merit the attention of parliament; and, I own, I cannot avoid being much surprized, that an attempt to have it laughed away should be made; when, I am conscious, that I took every possible precaution in my power, to frame it in such a manner as to leave the subject open, and not by narrowing it preclude every part of the House, to unite on some general principle, which might, on the onset, be the means of putting a speedy stop to the further effusion of human blood. But, my lords, nothing which has happened on the present occasion can induce me to desist from what I have so sincerely at heart, the restoration of peace. I am willing to give up any part of the motion, which may seem objectionable to those who only have it in their power to give it effectual support. I am ready to alter, omit, or amend, so that the principle of conciliation be preserved. I am desirous, that it should be sent to a committee to consider of it, and report their opinion thereon to the House. And I once more conjure your lordships to reflect, that the honour of parliament, the prosperity and dearest interest of both countries, the lives of thousands of British subjects are at stake, that the present is probably the only moment you will ever have to snatch them from the ruin which will otherwise inevitably await them, and that the consequences of neglecting this opportunity, will be the source of endless mourning and lamentation to ages yet unborn.

The House divided. Contents 28; Proxies 3—31. Non-Contents 71; Proxies 20—91.

Debate in the Commons on Mr. Wilkes's Motion for a more equal Representation of

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the People in Parliament.] March 21. The order of the day being read,

Mr. *Wilkes* rose and said:

Mr. Speaker; all wise governments, and well-regulated states, have been particularly careful to mark and correct the various abuses, which a considerable length of time almost necessarily creates. Among these, one of the most striking and important in our country is, the present unfair and inadequate state of the representation of the people of England in parliament. It is now become so partial and unequal from the lapse of time, that I believe almost every gentleman in the House will agree with me in the necessity of its being taken into our most serious consideration, and of our endeavouring to find a remedy for this great and growing evil.

I wish, Sir, my slender abilities were equal to a thorough investigation of this momentous business. Very diligent and well-meant endeavours have not been wanting to trace it from the first origin. The most natural and perfect idea of a free government is, in my mind, that of the people themselves assembling to determine by what laws they chuse to be governed, and to establish the regulations they think necessary for the protection of their property and liberty against all violence and fraud. Every member of such a community would submit with alacrity to the observance of what had been enacted by himself, and assist with spirit in giving efficacy and vigour to laws and ordinances, which derived all their authority from his own approbation and concurrence. In small inconsiderable states, this mode of legislation has been happily followed, both by ancient and modern times. The extent and populousness of a great empire seems scarcely to admit it without confusion or tumult: and therefore our ancestors, more wise in this than the ancient Romans, adopted the representation of the many by a few, as answering more fully the true ends of government. Rome was enslaved from inattention to this very circumstance, and by one other fatal act, which ought to be a strong warning to the people, even against their own representatives, the leaving power too long in the hands of the same persons, by which the armies of the republic became the armies of Sylla, Pompey and Cæsar. When all the burghers of Italy obtained the freedom of Rome, and voted in public assemblies, their multitudes rendered the distinction of the citizen of Rome and the alien impossible. Their assemblies and deliberations became disorderly and tumultuous. Unprincipled and ambitious men found out the secret of turning them to the ruin of the Roman liberty and commonwealth. Among us this evil is avoided by representation, and yet the justice of the principle is preserved. Every Englishman is supposed to be present in parliament, either in person, or by a deputy chosen by himself, and therefore the resolution of parliament is taken to be the resolution of every individual, and to give to the public the consent and approbation of every free agent of the community.

According to the first formation of this excellent constitution, so long and so justly our greatest boast and best inheritance, we find that the people thus took care no laws should be enacted, no taxes levied, but by their consent, expressed by their representatives in the great council of the nation. The mode of representation in ancient times being tolerably adequate and proportionate, the sense of the people was known by that of parliament, their share of power in the legislature being preserved, and founded in equal justice. At present it is become insufficient, partial, and unjust.

From so pleasing a view as that of the equal power, which our ancestors had, with great wisdom and care, modelled for the Commons of this realm, the present scene gives us not very venerable ruins of that majestic and beautiful fabric, the English constitution. As the whole seems in disorder and confusion, all the former union and harmony of the parts are lost or destroyed. It appears, Sir, from the writs remaining in the King's remembrancer's office in the exchequer, that no less than 22 towns sent members to the parliament in the 23rd, 25th, and 26th of Edward 1, which have long ceased to be represented. The names of some of them are scarcely known to us, such as those of Canebrig and Bamburg in Northumberland, Pershore and Brem in Worcestershire, Jarvall and Tykhull in Yorkshire. What a happy fate, Sir, has attended the boroughs of Gatton and Old Sarum, of which, although *ipsæ periêre ruinæ*, the names are familiar to us, the clerk regularly calls them over, and four respectable gentlemen represent their departed greatness, as the knights at a coronation represent Aquitaine and Normandy! The little

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town of Banbury, 'petite ville, grand renom,' as Rabelais says of Chinon, has, I believe, only 17 electors, yet gives us in its representative, what is of the utmost importance to the majority here, a first lord of the Treasury, and a chancellor of the Exchequer. Its influence and weight on a division, I have often seen overpower the united force of the members for London, Bristol, and several of the most populous counties. East Grinstead too, I think, has only about 30 electors, yet gives a seat among us to that brave, heroic lord (George Germaine) at the head of a great civil department, now very military, who has fully determined to conquer America—but not in Germany! It is not, Sir, my purpose to weary the patience of the House by the researches of an antiquary into the ancient state of our representation, and its variations at different periods. I shall only remark shortly on what passed in the reign of Henry 6, and some of his successors. In that reign, sir John Fortescue, his chancellor, observed that the House of Commons consisted of more than 300 chosen men; various alterations were made by succeeding kings till James 2. No change has happened since that period. Great abuses, it must be owned, contrary to the primary ideas of the English constitution, were committed by our former princes, in giving the right of representation to several paltry boroughs, because the places were poor, and dependent on them, or on a favourite overgrown peer. The land marks of the constitution have often been removed. The marked partiality for Cornwall, which single county still sends, within one, as many members as the whole kingdom of Scotland, is striking. It arose from yielding to the crown in tin and lands a larger hereditary revenue than any other English county, as well as from the duchy being in the crown, and giving an amazing command and influence. By such abuses of our princes the constitution was wounded in its most vital part. Henry 8 restored two members, Edward 6 twenty, queen Mary four, queen Elizabeth twelve, James 1 sixteen, Charles 1 eighteen, in all seventy-two. The alterations by creation in the same period were more considerable, for Henry 8 created thirty-three, Edward 6 twenty-eight, queen Mary seventeen, queen Elizabeth forty-eight, James 1 eleven; in all 173. Charles 1 made no new creation of this kind. Charles 2 added two for the county, and two for the city of Durham, and two for Newark on Trent. This House is at this hour composed of the same representation it was at his demise, notwithstanding the many and important changes which have since happened. It becomes us therefore to enquire, whether the sense of parliament can be now, on solid grounds, from the present representation, said to be the sense of the nation, as in the time of our forefathers. I am satisfied, Sir, the sentiments of the people cannot be justly known at this time from the resolutions of a parliament, composed as the present is, even though no undue influence was practised after the return of the members to the House, even supposing for a moment the influence of all the baneful arts of corruption to be suspended, which, for a moment, I believe, they have not been, under the present profligate administration. Let us examine, Sir, with exactness and candour, if the representation is fair and perfect; let us consider of what the efficient parts of this House are composed, and what proportion they bear, on the large scale, to the body of the people of England, who are supposed to be represented.

The southern part of this island, to which I now confine my ideas, consists of about five millions of people, according to the most received calculation. I will state by what numbers the majority of this House is elected, and I suppose the largest number present of any recorded in our Journals, which was in the famous year 1741. In that year the three largest divisions appear on our Journals. The first is that of the 21st of January, when the numbers were 253 to 250; the second on the 28th of the same month, 236 to 235; the third on the 9th of March, 244 to 243. In these divisions the members for Scotland are included; but I will state my calculations only for England, because it gives the argument more force. The division therefore, I adopt, is that of January 21. The number of members present on that day were 503. Let me, however, suppose the number of 254 to be the majority of members, who will ever be able to attend in their places. I state it high, from the accidents of sickness, service in foreign parts, travelling and necessary avocations. From the majority of electors only in the boroughs, which return members to this House, it has been demonstrated, that this number of 254 is elected by no more than 5,723 persons, generally the inhabitants of Cornish, and other very insignificant bo-

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roughs, perhaps by not the most respectable part of the community. Is our sovereign, then, to learn the sense of his whole people from these few persons? Are these the men to give laws to this vast empire, and to tax this wealthy nation? I do not mention all the tedious calculations, because gentlemen may find them at length in the works of the incomparable Dr. Price, in Postlethwaite, and in Burgh's Political Disquisitions. Figures afford the clearest demonstration, incapable of cavil or sophistry. Since Burgh's calculations only one alteration has happened. I allude to the borough of Shoreham in Sussex. By the Act of 1771, all the freeholders of 40*s.* per annum in the neighbouring rape or hundred of Bramber are admitted to vote for that borough; but many of the old electors were disfranchised. It appears likewise, that 56 of our members are elected by only 364 persons. Lord Chancellor Talbot supposed that the majority of this House was elected by 56,000 persons, and he exclaimed against the injustice of that idea. More accurate calculations than his lordship's, and the unerring rules of political arithmetic, have shewn the injustice to be vastly beyond what his lordship even suspected.

When we consider, Sir, that the most important powers of this House, the levying taxes on, and enacting laws for, five millions of persons, is thus usurped and unconstitutionally exercised by the small number I have mentioned, it becomes our duty to restore to the people their clear rights, their original share in the legislature. The ancient representation of this kingdom, we find, was founded by our ancestors in justice, wisdom, and equality. The present state of it would be continued by us in folly, obstinacy, and injustice.

This evil has been complained of by some of the wisest patriots our country has produced. I shall beg leave to give that close reasoner Mr. Locke's ideas in his own words. He says, in the treatise on Civil Government, "Things not always changing equally, and private interest often keeping up customs and privileges, when the reasons of them are ceased, it often comes to pass, that in governments, where part of the legislative consists of representatives chosen by the people, that in tract of time this representation becomes very unequal and disproportionate to the reasons it was at first established upon. To what gross absurdities the following of a custom, when reason has left it, may lead, we may be satisfied, when we see the bare name of a town, of which there remains not so much as the ruins, where scarce so much housing as a sheep-cote, or more inhabitants than a shepherd, is to be found, sends as many representatives to the grand assembly of law-makers, as a whole county, numerous in people, and powerful in riches. This strangers stand amazed at, and every one must confess, needs a remedy." After so great an authority as that of Mr. Locke, I shall not be treated on this occasion as a mere visionary; and the propriety of the motion I shall have the honour of submitting to the House, will scarcely be disputed. Even the members for such places as Old Sarum and Gatton, who, I may venture to say at present *stant nominis umbræ*, will, I am persuaded, have too much candour to complain of the right of their few constituents, if indeed they have constituents, if they are not self-created, self-elected, self-existent, of this pretended right being transferred to the county, while the rich and populous manufacturing towns of Birmingham, Manchester, Leeds, Sheffield, and others, may have at least an equitable share in the formation of those laws by which they are governed. My idea, Sir, in this case, as to the wretched and depopulated towns and boroughs in general, I freely own, is amputation. I say with Horace, "Inutiles ramos amputans, feliciores inserit."

This is not, Sir, the first attempt of the kind to correct, although in an inconsiderable degree, this growing evil. Proceedings of a similar nature were had among us above a century past. The clerk will read from our Journals what passed on the 26th of March, 1668, on a Bill to enable the county palatine of Durham to send two knights for the county, and two citizens for the city of Durham. [The Clerk reads.] In a book of authority, Anchitell Grey's Debates, we have a more particular account of what passed in the House on that occasion. He says, that "Sir Thomas Meres moved, that the shires may have an increase of knights, and that some of the small boroughs, where there are but few electors, may be taken away, and a Bill for that purpose." We find afterwards, "on a division, the Bill was rejected, 65 to 50." This division, however, alludes only to the Bill then before the House, respecting the county and city of Durham. I desire to add the few remarkable words of sir Thomas Strickland

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in this debate, because I have not seen them quoted on the late important American questions. "The county palatine of Durham was never taxed in parliament by ancient privilege before king James's time, and so needed no representatives; but now being taxed, it is but reasonable they should have." Such sentiments, Sir, were promulgated in this House even so long ago as the reign of Charles 2.

I am aware, Sir, that the power, *de jure*, of the legislature to disfranchise a number of boroughs, upon the general grounds of improving the constitution, has been doubted; and gentlemen will ask, whether a power is lodged in the representative to destroy his immediate constituent? Such a question is best answered by another. How originated the right, and upon what ground was it at first granted? Old Sarum and Gatton, for instance, were populous towns, and therefore the right of representation was first given them. They are now desolate, and of consequence ought not to retain a privilege, which they acquired only by their extent and populousness. We ought in every thing, as far as we can, to make the theory and practice of the constitution coincide. The supreme legislative body of a state must surely have this power inherent in itself. It was *de facto* lately exercised to its full extent by parliament in the case of Shoreham with universal approbation, for near a hundred corrupt voters were disfranchised, and about twice that number of freeholders admitted from the county of Sussex.

It will be objected, I foresee, that a time of perfect calm and peace throughout this vast empire is the most proper to propose internal regulations of this importance; and that, while intestine discord rages in the whole northern continent of America, our attention ought to be fixed upon that most alarming object, and all our efforts employed to extinguish the devouring flame of a civil war. In my opinion, Sir, the American war is in this truly critical æra one of the strongest arguments for the regulation of our representation, which I now submit to the House. During the rest of our lives, likewise, I may venture to prophesy, America will be the leading feature of this age. In our late disputes with the Americans, we have always taken it for granted, that the people of England justified all the iniquitous, cruel, arbitrary, and mad proceedings of administration, because they had the approbation of the majority of this House. The absurdity of such an argument is apparent, for the majority of this House we know speak only the sense of 5,723 persons, even supposing, according to the laudable constitutional custom of our ancestors, that the constituent had been consulted on this great national point, as he ought to have been. We have seen in what manner the acquiescence of a majority here is obtained. The people in the southern part of this island amount to upwards of five millions. The sense, therefore, of five millions cannot be ascertained by the opinion of not 6,000, even supposing it had been collected. The Americans with great reason insist, that the present war is carried on contrary to the sense of the nation, by a ministerial junto, and an arbitrary faction, equally hostile to the rights of Englishmen, and the claims of Americans. The various addresses to the throne from most numerous bodies, praying that the sword may be returned to the scabbard, and all hostilities cease, confirm this assertion. The capital of our country has repeatedly declared, by various public acts, its abhorrence of the present unnatural civil war, begun on principles subversive of our constitution. Our history furnishes frequent instances of the sense of parliament running directly counter to the sense of the nation. It was notoriously of late the case in the business of the Middlesex election. I believe the fact to be equally certain in the grand American dispute, at least as to the actual hostilities now carrying on against our brethren and fellow subjects. The proposition before us will bring the case to an issue; and from a fair and equal representation of the people, America may at length distinguish the real sentiments of freemen and Englishmen.

I do not mean, Sir, at this time, to go into a tedious detail of all the various proposals which have been made for redressing this irregularity in the representation of the people. I will not intrude on the indulgence of the House, which I have always found favourable and encouraging. When the Bill is brought in, and sent to a committee, it will be the proper time to examine all the minutiæ of this great plan, and to determine on the propriety of what ought now to be done, and to consider what formerly was actually accomplished. The Journals of Cromwell's parliaments prove that a more equal representation was settled, and carried by him into exe-

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cution. That wonderful, comprehensive mind embraced the whole of this powerful empire. Ireland was put on a par with Scotland. Each kingdom sent 30 members to a parliament, which consisted likewise of 400 from England and Wales. It was to be triennial. Our colonies were then a speck on the face of the globe; now they cover half the new world. I will at this time, Sir, only throw out general ideas, that every free agent in this kingdom should, in my wish, be represented in parliament; that the metropolis, which contains in itself a 9th part of the people, and the counties of Middlesex, York, and others, which so greatly abound with inhabitants, should receive an increase in their representation; that the mean, and insignificant boroughs, so emphatically styled "the rotten part of our constitution," should be lopped off, and the electors in them thrown into the counties; and the rich, populous, trading towns, Birmingham, Manchester, Sheffield, Leeds, and others, be permitted to send deputies to the great council of the nation.

The disfranchising of the mean, venal, and dependent boroughs would be laying the axe to the root of corruption and treasury influence, as well as aristocratical tyranny. We ought equally to guard against those, who sell themselves, or whose lords sell them. Burgage tenures, and private property in a share of the legislature, are monstrous absurdities in a free state, as well as an insult on common sense. I wish, Sir, an English parliament to speak the free, unbiassed sense of the body of the English people, and of every man among us, of each individual, who may justly be supposed to be comprehended in a fair majority. The meanest mechanic, the poorest peasant and day-labourer, has important rights respecting his personal liberty, that of his wife and children, his property, however inconsiderable, his wages, his earnings, the very price and value of each day's hard labour, which are in many trades and manufactures regulated by the power of parliament. Every law relative to marriage, to the protection of a wife, sister, or daughter, against violence and brutal lust, to every contract or agreement with a rapacious or unjust master, is of importance to the manufacturer, the cottager, the servant, as well as to the rich subjects of the state. Some share therefore in the power of making those laws, which deeply interest them, and to which they are expected to pay obedience, should be reserved even to this inferior, but most useful, set of men in the community. We ought always to remember this important truth, acknowledged by every free state, that all government is instituted for the good of the mass of the people to be governed; that they are the original fountain of power, and even of revenue, and in all events the last resource.

The various instances of partial injustice throughout this kingdom will likewise become the proper subjects of enquiry in the course of the Bill before the committee. Of this nature are the many freeholds in the city of London, which are not represented in this House. These freeholds being within the particular jurisdiction of the city, are excluded from giving a vote in the county of Middlesex, and by act of parliament only liverymen can vote for the representatives of the city of London. These, and other particulars, I leave. I mention them now, only to shew the necessity of a new regulation of the representation of this kingdom.

My enquiries, Sir, are confined to the southern part of the island. Scotland I leave to the care of its own careful and prudent sons. I hope they will spare a few moments from the management of the arduous affairs of England and America, which are now solely entrusted to their wisdom, and at present so much engross their time, to attend to the state of representation among their own people, if they have not all emigrated to this warmer and more fruitful climate. I am almost afraid the 45 Scottish gentlemen among us represent themselves. Perhaps in my plan for the improvement of the representation of the inhabitants of England, almost all the natives of Scotland may at this time be included. I shall only remark, that the proportion of representation between the two countries cannot be changed. In the 22nd article of the treaty of Union, 45 is to be the proportion of the representative body in the parliament of Great-Britain for the northern part of this island. To increase the members for England and Wales beyond the number, of which the English parliament consisted at the period of that treaty in 1706, would be a breach of public faith, and a violation of a solemn treaty between two independent states. My proposition has for its basis the preservation of that compact, the proportional share of each kingdom in the legislative body re-

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maining exactly according to its present establishment.

The monstrous injustice and glaring partiality of the present representation of the Commons of England has been fully stated, and is, I believe, almost universally acknowledged, as well as the necessity of our recurring to the great leading principle of our free constitution, which declares this House of Parliament to be only a delegated power from the people at large. Policy, no less than justice, calls our attention to this momentous point; and reason, not custom, ought to be our guide in a business of this consequence, where the rights of a free people are materially interested. Without a true representation of the Commons our constitution is essentially defective, our parliament is a delusive name, a mere phantom, and all other remedies to recover the pristine purity of the form of government established by our ancestors would be ineffectual, even the shortening the period of parliaments, and a place and pension Bill, both which I highly approve, and think absolutely necessary. I therefore flatter myself, Sir, that I shall have the concurrence of the House with the motion, which I have now the honour of making, "That leave be given to bring in a Bill for a just and equal Representation of the People of England in Parliament."

Mr. Alderman *Bull* seconded the motion.

Lord *North* was very jocular. He said, whatever reason other gentlemen had to complain, he imagined the hon. mover was tolerably well pleased with his success in London and Middlesex. He supposed the hon. gentleman was not serious, nor ever meant his proposition should go to a committee. If he should prevail, he assured him, it would cause great discontent; and he would find it no easy task to prevail on those who had an interest in the boroughs, on which he bestowed so many hard names, to sacrifice to ideal schemes of reformation, so beneficial a species of property. His lordship entered into a physical, chirurgical, and political disquisition on the nature and effects of amputations in general, as operating on the body natural and body politic; and shewed how dangerous such experiments have proved, and the risk of overthrowing or dissolving the constitutions such experiments were intended to correct and amend. He thought the proposition could do no good, and might do much harm; and added, that he did not approve of it.

Mr. Wilkes made a short reply; and the question being put, it passed in the negative, without a division.

Debate on Mr. Burke's Bill to prevent the Plundering of Shipwrecks.] March 27. Mr. *Burke* moved for leave to bring in a Bill "to prevent the inhuman practice of plundering ships wrecked on the coast of Great Britain; and for the further relief of ships in distress on said coast." He said, he thought something ought to be done to prevent such shameful and horrid practices as had been frequently committed on the several coasts of this kingdom, scarcely a winter passing but our public prints contained accounts which were a disgrace to any civilized country; such matters ought not to pass unnoticed and unpunished. He said, that commercial countries, particularly this, which prided itself so much on its national honour, should take care to do every thing possible in its power to discourage such outrageous proceedings.

Mr. *Sawbridge* (Lord Mayor) opposed the motion. He thought the remedy would be worse than the disease; that the laws in being were sufficient, if well executed.

Lord *Mulgrave* had no objection to the Bill. He thought some remedy ought to be applied to prevent an evil which must be a disgrace to any country where it was permitted; but he doubted the efficacy of any law brought in on the plan now proposed.

Mr. *Rashleigh* said, he lived near the sea-coast, where such melancholy accidents, he was sorry to say, too frequently happened; yet he could affirm, that the plundering ships was generally prevented by the assiduity and exertions of the neighbouring gentlemen.

Mr. *Rice* said, the laws in being were sufficient to prevent the mischief, and no new law would answer any effectual purpose, if the gentlemen of property and consequence in the neighbourhood were remiss in their duty.

Sir *Grey Cooper* would vote for the motion, because, if negatived, it would have a very strange appearance in the votes, that a Bill bearing such a title should be stopped in the first instance; but desired it might not be understood that he meant to support the Bill after it was brought in.

Sir *George Yonge* said, he lived in a maritime county, and insisted the execution of the present laws depended on the

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magistrates; wherever any injury therefore was sustained, it was owing to their neglect; hence it followed, that framing new laws, without ensuring their punctual execution, was doing nothing.

Mr. *Burke* said, it seemed very extraordinary, that the first magistrate of the first trading city in the world, should oppose a Bill designed to protect the property of persons concerned in trade and commerce. He hoped, however, before the matter was further pursued, that gentlemen would rise, declare their sentiments, and take a decided part. For his part, he had no particular reason for pushing such a law. It was true, he thought it might be of service, but if the House disapproved of it, there his task ended, and he should cheerfully acquiesce in whatever it determined. He entreated, therefore, that gentlemen would speak out, and not permit the Bill to be brought in, merely for an opportunity to throw it out, after trouble and time had been spent in framing and bringing it in.

The question being put, the Bill was ordered in by a majority of 56 to 13.

April 30. On the order for the second reading of the Bill,

Mr. *Rice* sincerely wished that something might be devised to put a stop to so barbarous a practice; but as the Bill proposed to lay a penalty on the hundred where the wreck happened, by way of indemnification, he could not consent to it, nor could he consent to it though the money were to be raised on the country at large; but notwithstanding he was against the provisions of the Bill, he was not averse to the intention, which was that of putting a stop to so great an evil. He should therefore be for sending the Bill to a committee, that gentlemen might have time to consider it. He presumed that nothing would answer the purpose better than pursuing some plan which might be the means of procuring early and timely information, but he would for his part never consent that the loss should be made good either by the county or the hundred.

Lord *Mulgrave* said, for the honour and reputation of the nation he should be almost for any Bill which would promise to prevent such a scandalous practice; that when vice is become so flagrant, the only way to curb it is by punishments properly suited to the nature of the offence; that none would answer so well as compelling people by motives of mere interest to acts of humanity; that every man who lived in the hundred were the ship was wrecked, if the loss was to be made good by the hundred, would find an interest in protecting the wreck, for by so doing he would protect his own property; that this was the very reason why the hundred was compelled to make good robberies committed on the highway, in order to make them more ready to assist in apprehending the offenders, or more active in discovering them.

Mr. *Mackworth*, as the whole House seemed to be agreed in the principle of the Bill, did not see how any gentleman could consistently object to its being sent to a committee.

Mr. Serjeant *Adair* observed, that pecuniary temptations should be restrained by pecuniary punishments.

Mr. *Harris* said, it was directed against the innocent as well as the guilty, and it was a maxim in law, common sense, and morals, that it was always better that two guilty persons should escape, than one innocent person suffer. What was the rule here laid down? A few of the most profligate persons in a hundred were to profit by public rapine and plunder, and all the reputable industrious inhabitants, persons who abhorred the act as much as those really plundered, were to be made responsible for the loss.

Mr. *Whitworth* said, this country was the only civilized country under heaven where such outrages were permitted, without affording redress to the injured party.

Mr. *Henniker* said, he had a ship wrecked on the northern coast of England, where gentlemen in the neighbourhood gave every assistance in their power, but to very little purpose. He had another wrecked on the coast of the Mediterranean, where he had every thing returned that was saved, and when he offered a gratuity for the trouble, the answer he received was, "No, you have already lost enough in the loss of your ship, we will take nothing."

Mr. *Wallace* said, that whatever our private virtue might be, we should at least assume the appearance of public virtue; for this was the only country in Europe, in which such inhuman practices were suffered, without public punishment, or public redress.

Sir *George Savile* painted, in strong colours, the inhumanity of rendering the

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miserable and wretched still more so. As to the hardship of punishing the innocent, the argument had the appearance of plausibility, and that was all; for no particular man had a right to complain, when they all were to feel the effects of the law indiscriminately, and that for public good and private indemnification.

Mr. *Sawbridge* said, it would be exceedingly cruel to make gentlemen pay for matters which it was not in their power to prevent. The hon. gentleman who patronized the Bill, had omitted Scotland; and the gentlemen of that country had retired, as not being interested; but he assured such as remained, that if the Bill should pass, he had not a doubt but it was intended to take them in by including that country in a more general law, to be brought in at a more convenient occasion.

Mr. *H. Dundas* said, that every other country in Europe had provided a remedy for this terrible calamity but these kingdoms.

Governor *Pownall* observed, that if the present Bill was brought forward under any such idea, it was a total mistake through ignorance of the remedies which the laws with very severe penalties had provided against this most cruel and savage of all crimes. If these were not understood or not sufficient, a Bill to explain and amend them was the proper method, in which he would readily give his assistance. But he objected to the principle of this Bill.

Mr. *Van* called it a black Bill, and insisted that it might be productive of the grossest fraud and imposition.

Mr. *Burke* said, when he moved for leave to bring in the Bill, the House seemed to be almost unanimous; but now he perceived that gentlemen had changed their minds, he must submit; for he perceived the bell had rung the departing knell of his Bill. He showed from the French laws, what great advantages they had over ours, in respect of ships wrecked on their coasts. He observed, that gentlemen affected great caution in the present case, though it was well known we had laws enacted on the most trivial occasions. We had some against pulling a stake out of a hedge; others against touching paling; others, still more extraordinary, against disturbing a thorn. All those, according to the language held this day, were, it seems, of more consequence in the estimation of some gentlemen, than the destroying, pillaging, or purloining the cargo of a vessel worth several thousand pounds.

The House divided on the second reading, Ayes 43, Noes 55. So the Bill was lost.

Debate in the Commons on Mr. Hartley's Motion for Estimates of the probable Expences of the War with America.] April 1. The order of the day being read,

Mr. *Hartley* spoke as follows:

The noble lord (North) having announced, that he intends to lay the state of the nation before us, on the first day of business after the recess; I hope it will not appear foreign to that purpose, if I suggest to the House the necessity of some proper materials being laid upon the table, by the help of which we may be better prepared to enter upon so important a discussion. The state of the national revenue and expenditure, together with the sufficiency and insufficiency of the national powers, are very properly termed by the noble lord, to be the state of the nation. It is a subject of such infinite importance, that I need make no apology to the House, in the present state of things, for recommending a prudent forecast of the ruinous consequences, which must inevitably attend the civil war with our colonies, into which this nation is so blindly and precipitately driven by its ministers. The enormity of the expence, which I shall endeavour to explain to you under the several branches of this day, is but the least part of the evil. Even what administration would call success, would be more irrecoverable ruin, by destroying the very source of wealth and strength to this country, than almost any anticipation of the revenue in the first instance. These are matters of such importance, that I should think myself highly criminal, and a deserter of the trust reposed in me as a member of parliament, if I did not offer to the House, with great deference, such materials and information as have fallen in my own way, in the course of my best endeavours to obtain information, on the subject of the public revenue. Reposing upon that candour of the House which I have so often experienced, I will endeavour to state a few plain facts and plain consequences, without partiality or bias, without respect of persons, and without fear or favour.

It is so much the more necessary that we should come to some explicit under-

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standing of these matters, as the most profound secrecy and concealment have been practised to keep alarming truths from the public eye, and false pretences have been thrown out to amuse the credulous confidence of this House. It is not many months ago, (no longer than the last session) that any member, who got up to warn you of the fatal consequences of the war then recommended against America, was laughed at in his place; the very suggestion was treated as being so ridiculous, that the minister proposed to you to begin by disarming; by voting 4,000 seamen less than you had kept the year before; and not many days after the meeting of the new parliament, a vote of a 3*s.* land-tax was proposed, with a view to soothe the landed men into the adoption of this fatal war. That this step was taken with no other view than to quiet the alarms of the landed interest is past dispute, because the vote for the 3*s.* land-tax was passed before Christmas, though the Bill was not brought in till after the holidays; the vote therefore was studiously thrown out beforehand, to prevent the discontents that might happen, and to mislead the public into a fallacious dependence, that a few unimportant discontents in America, as they were then represented to be, would soon be subdued. Where are we now? Have not our forebodings been more than realized? Has it been arrant folly in administration, to plunge us into our present situation? or, has it been downright treachery afore-thought, to lead their unsuspecting country, step by step, into an irreconcilable civil war, to dip Great Britain and America in blood, and to cut off the retreat to peace and safety?

Whichever be the case, the administration have now at least forfeited all claim to the confidence of this House and of the public. We are now told, with great composure, by those very men who but a few months ago, laughed to scorn every foreboding word of prudence, that the whole power of this country is unequal to the undertaking; and that however reasonable it might have been last year to have foreseen the immensity of the war, yet that parliament in the last session would not have been disposed to have granted more expensive aids, and therefore that no more were then applied for: but that we are now dipt in, and must wade through. If an army of 50,000 men, and 100 ships of force, are now found necessary, the word to parliament is, you must go through, there is no retreat: it must be done. Every corner of the three kingdoms is to be ransacked for recruits; every power in Europe is to be solicited for mercenary aid; every trading vessel heretofore employed in the American commerce, is now destined to transport the means of destroying the commercial wealth of Great Britain, and all the sources of its naval empire.

As I wish the public may no longer be deceived, I shall offer some motions for the proper materials to be laid before us, to be our guide and assistance in forming our judgment and decision. The three great branches of national expence are, the Navy, the Army, and the Ordnance; and each of these branches is divided into two parts, viz. expences which are voted upon specific estimates, and extraordinary expences which are incurred every year in the three services, partly at the discretion of the respective commanders, and partly at the discretion of the ministry in their several departments. These extraordinaries in former times were kept within narrow bounds, but of late years they are grown to an enormous amount, almost equal to the expences voted in each service upon estimate; which latitude, thus negligently and tacitly allowed to ministers in dispensing the public purse, has been, and I fear will continue to be the cause of a most ruinous waste of the public revenue. As to the present year, the House have before them all the expences of the American war, which have been formed into specific estimates: but the unmeasurable part of the expence will be in the secret and hidden class of extraordinaries, left to the unrestrained discretion of ministers, commanders, commissaries, and contractors. The House and the public are amused with nominal estimates, while this bottomless gulph is opened behind us, and not to be satiated but with the last farthing. If experience can teach us wisdom, it is high time that we were possessed of it. This chaos of extraordinaries may, doubtless, be reduced to some reasonable shape of computation. Ministers will hardly tell this House seriously, that they have not the least measure of what they recommend or undertake; nor, I think, would it be very decent for them to come in the next session with a boundless demand of debts incurred upon the confidence which we are now desired to repose in them, and to tell us then, we foresaw all these expences, but we con-

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ccaled them carefully from you, that we might lead you insensibly on.

Then let us forecast the account now. I shall begin with the Navy. The motion which I shall make upon the subject of the navy is copied word for word out of the Journals upon a former occasion, and a very accurate estimate was made in return, of the probable expence of the navy, article by article: therefore I am sure the minister can give us this information, if he will. My motion is, 1. "That there be laid before this House an estimate of the probable expence of his Majesty's navy for the present year, distinguished under proper heads, upon the services voted by this House; shewing also how far the said expence may probably exceed or fall short of the sums already voted for those services; and also an estimate of the probable expence of transports and victualling during the present year."

My second and third motions, respecting the extraordinaries of the Army, and Ordnance for land-service, are nearly to the same effect, viz. 2. "That an estimate of the probable amount of the extraordinary services likely to be incurred by his Majesty's land forces in one year, from March 9th 1776, be prepared, and laid before this House." 3. "That an estimate of the probable expence of the office of ordnance for land service, during the present year, over and above the provision already made in this session of parliament, be prepared and laid before this House."

These are the materials which, as it seems to me, are necessary for us to form our judgment upon. Many of them may be estimated with great accuracy; and, from the assistance of the official lights which the noble lord has access to, he may give us a general view of the whole probable expence of the year. This is what I should call laying the state of the nation before us. By this time of the year, which is the month of April, you ought to have formed your plans. You cannot be ignorant of the number of ships which are destined for sea-service for this year. You know the complement of men for each rate; therefore you may know by how many they will exceed the number of seamen voted by parliament. In the forming such an estimate, the board of Admiralty can give you a list of the seamen to be employed, the paymaster of the marines can send you the number of marines. The value of stores contracted for and to be purchased for ships, and building-yards, and rope-yards, ought to be minutely known, or else how is the navy to be provided? I will read you three or four principal heads of expence in the estimate of the navy, which was returned to this House on the 2d of May 1772, upon the very identical motion that I offer to you now. Take them as a specimen that the estimates that I now ask for may be very methodically made out, unless you are determined to with-hold every requisite information from this House: 1. Value of stores and materials contracted for and to be purchased for his Majesty's ships and yards. 2. Wages to inferior officers and workmen in his Majesty's several dockyards, &c. 3. Value of stores and materials, for the use of the several rope-yards. 4. Wages to seamen, calculated upon the list received from the Admiralty, of ships to be employed at sea in the course of the year. 5. Value of provisions to be purchased, &c. &c. These are enough for a specimen; the farther distribution of the heads of naval estimates may be seen in the original paper itself in your Journals.

Let us know what we are doing. What is it that you cannot compute? Have you not made provision for stores and materials necessary to careen, repair, and refit your fleet at Halifax? or, if that place should fall into the hands of the provincials, have you made no supplemental provision for the safety of the navy at the distance of three thousand miles? Let us have the option, whether we will seek our safety (more frugally at least) by a timely reconciliation with the once hospitable shore of America, or upon the dependence of some wild estimates of administration, made for commissaries and contractors; or, which is most probable, must we patiently stand by the consequences of their total neglect of every prudent and necessary precaution?

As for the extraordinaries of the land-service, some estimate may likewise be made of them, as well as of the naval extraordinaries; or, how are they to be provided for? What else is to guide administration in the execution of their own plan? Does not general Howe inform the administration from time to time what necessaries he may stand in need of? His general letters of requisition during the last campaign are now lying upon the table; and the noble lord has told us, that the ministry do from time to time receive letters of more explanatory detail, according as he foresees such or such necessary ser-

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vices. Look at the bill of extras for the last year: are they not classed methodically into heads, of Supply to the Forces at Boston—at Montreal—Quebec, &c.—Cloathing and Accoutrements—Forage—Live Stock—Vegetables—Beer, &c. &c. Have you calculated any of these, to reduce them within some estimable compass? or do you merely hold out your measure to the ruinous profusion of commissaries, and the merciless avidity of contractors?

The last estimate of extraordinaries that I apply for, is from the board of Ordnance. Will you tell us, that they are still at a loss for their computation? Is their powder not yet shipped? Are their guns not yet cast? Are their scaling-ladders not yet made? Are their baggage-waggons not yet built? Give us the best account you have; if it be but an estimate of the waggons which were reviewed the other day by the master-general of the ordnance in Portman-square. You either cannot give these estimates, or you will not. If you will not, speak out, that we may know what we have to depend upon. If you acknowledge that you cannot, then will you dare to undertake the conduct of that war of which you confess your own inability to form even an idea or an estimate? Will this House, will the public at large, commit a proposed armament of thirty, forty, or fifty thousand men, with 100 ships of force, at the distance of 3,000 miles and upon a line of action of 1,500, with the national honour at stake, to the hands of those men, who profess their inability to form any estimate but for the emolument of commissaries and contractors?

If the minister will lay the true state of the nation fully before parliament, the question will then be fairly before this House and the public, whether they will, with their eyes open, enter into a civil war, which in any event must feed upon, and exhaust every vital source of this country, at the certain expence of ten or twelve millions for this year? Whether they will double that expence in the next campaign? And whether they will, in a third year, commit themselves, helpless, exhausted, and defenceless, to the mercy of France or Spain, and of every power in Europe that can build its future prosperity upon our ruin? Have we forgot that it was the discontent of taxes and anticipations in the last war that brought us down, when in the full career of victory over the hereditary enemies of this country, to become the humble suitors of a timid peace? That it was this want of forecast in the day of our then prosperity, which has entailed upon us that load of millions which both then and since have severely served to quicken the sense of humiliating restitutions, and the regret of victories wantonly thrown away? Then let us be wiser now. The estimates that I call for are not only in the highest degree necessary, but perfectly practicable. To tell us, that the precedent from which I take my example, of the naval estimates delivered in 1772, was in the time of peace, is only saying, that it was less necessary then than it is now. My only reason for making this motion now is, because we are not at peace. Nor can the wisest of us all foresee the day, if you proceed a single step farther in these fatal measures, when this country may return to peace again.

The whole extent of my proposition is this; either that the noble lord would lay before this House the best evidence and information upon the case, by authentic estimates; or that he will allow me to offer my conjectural estimates, as a ground for the House to come to some safe opinion upon; or that he will give himself the trouble to point out in what parts he may think them materially erroneous. Having no wish to misrepresent, and hardly room to exaggerate, I commit myself freely to the candour of the House in the investigation of those necessary points of information, in which we are not likely to receive any assistance from more authentic estimates. I will endeavour to be as distinct and methodical as I can, at the same time trusting that the noble lord will not cavil with me for little matters. Points of minute accuracy may be reserved for some other day. A few thousands more or less make no difference in my argument; I speak upon the scale of millions.

To bring the whole question into one point of view, we should state the following particulars: 1. The sums already voted upon estimate for the present year, 6,157,000*l.* 2. The sum remaining to vote upon estimate, computed at 750,000*l.* 3. The probable excess of the expences of the navy, army, and ordnance, over and above the provisions already made, computed at 5,300,000*l.* These three sums will make the total of the expence of 1776 12,207,000*l.* To which we must add, 4. The amount of the present outstanding debts, viz. Navy debt on 31st Dec. 1775 2,698,000*l.* Exchequer bills 1,250,000*l.* Civil list debt, as stated by

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lord Stair, 800,000*l.* Making a gross total of 16,955,000*l.* Deducting from this total, 5. One year's produce of the ordinary revenue, computed at 4,950,000*l.* The remainder unprovided for will then be 12,005,000*l.*

If the expence of the extraordinaries should exceed the proportion above stated, of which I can have no doubt, if this armament goes on according to its present train, just in the same proportion will this last unprovided sum be increased. This is the true state of the question in one view, without aggravation or colouring. Upon the balance of this year there will remain unprovided for, the sum of 12 millions, or perhaps a great deal more.

I will now enter into the detail, to justify the estimates of the several articles as I offer them to the House. The first article is the amount of the sums already voted, being merely a summation of the articles as standing upon the votes, 6,157,000*l.* The second article of estimates remaining to vote, stated at 750,000*l.* I explain thus; Militia to be embodied 500,000*l.* Sundry services 250,000*l.*—Total 750,000*l.*

So much for the first and second articles. The third is that which requires the most discussion. The total of the third article being 5,300,000*l.* I divide thus, Naval extras 2,500,000*l.* Army extras 2,500,000*l.* Ordnance extras 300,000*l.* As for the naval extras, the single article of transport service and victualling, will go deep into 2,500,000*l.*: there is an estimate which I have seen in print, drawn up by an experienced and able hand, of all the necessary attendances upon an army of 30,000 men; in that estimate, the necessary transports are stated at 200,000 tons. Then compute 200,000 tons at 11*s.* per ton per month or more, and add the victualling estimates, that is enough for the first article towards the 2,500,000*l.* The next article is beyond my power to specify; but I think I may venture to assume, that the present armament of 100 ships of force in America cannot possibly be manned without ten or fifteen thousand men more than the number of men as yet voted. Your seamen, exclusive of marines, which are chiefly used as land forces, and many of them now shut up in Boston, amount to but little more than 18,000. Your American armament singly would require that number. Your foreign stations cannot be stripped. The East Indies, the West Indies, the Mediterranean, Newfoundland, your home guard, many convoys that will soon be applied for ought to be supplied with as many more. Calculate the seamen, with their bounty money or press money, and their ordinary rate of expence; then add, stores consumed and destroyed, provisions for ships in sea-service, interest running on upon navy bills, old arrears coming to light, with an endless catalogue of never-failing items, and I think I shall have out-gone my stint of 2,500,000*l.*

Comparing these considerations with the amount of the total naval expence of the early years of the late war 1757 and 1758, the result is to the same conclusion; therefore I shall pass on to the second sum of 2,500,000*l.* calculated for army extras. If I could form any guess of the price of a bushel of wheat, or of a sack of oats, transported by force of arms from Bear Key to Ticonderoga, or Crown-Point, I might hope to make some impression upon this estimate. It must put to scorn all estimates from German extraordinaries; and yet the extraordinaries for several years of the late war, for forage and provisions, amounted to four or five millions per annum. The petty extraordinaries of a few men, circumscribed within the peninsula of Boston for a few months, has amounted, by the accounts of the last year, to an enormous sum; then what estimate shall we form for a twelvemonth's provision and forage for an army of 30 or 40,000 men at the distance of 3,000 miles from home, besieging and besieged, spread, or at least expecting to be spread, over that immense continent, but without one hospitable acre to afford them sustenance! It is out of my bounds to undertake the calculation. If I have not over-rated the total, it is enough for my argument; and I fear, when the bill comes to be paid, it will be more than enough for us all. As to the office of Ordnance, one word will settle that account; their usual stint, during the last war, for extras, was 300,000*l.* a year. In 1775 they got up to 223,000*l.* for extras; and I dare believe, that their industry will not be backward to support the good old custom of a round sum for unaccounted extras.

Having, as I hope, verified my estimate for the extras, and clearly having not over-rated them, I am returned to my first total of the expences of 1776, as stated above at 12,207,000*l.* The amount of the present out-standing debt, as already explained, 4,748,000*l.* The total of the

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supply of 1776, added to the debts outstanding, amounts, as before stated, to 16,955,000*l.* As for the amount of the ordinary revenue, there cannot be much dispute. A 4*s.* land-tax, and the malt-duty, yield net about 2,250,000*l.* The sinking fund, upon an average of five years, somewhat less than 2,700,000*l.* Total 4,950,000*l.* The remainder therefore unprovided for will be, as I stated it before, 12,005,000*l.*

But that I may not seem to exaggerate, I do not state that it is indispensible to provide for the whole of the 12 millions, because I know it has been customary, though not commendable, to suffer an outstanding debt of two or three millions. And to be perfectly explicit, I wish to state the precise sum which will be necessary before the end of this very year, to place us in the same condition as we were before the American war. I think it very fair to take my line, from the noble lord's own conduct, respecting the outstanding debt. In his administration, the navy debt has been reduced as low as 1,082,000*l.* and the exchequer bills to one million. I shall therefore on this head throw in another million, and strike off three millions from my last total of twelve millions. The noble lord's own conduct marks what even a minister thinks to be the reasonable line of indulgence, and justifies me in saying, that the least sum to be raised, which can be sufficient to restore this country to that degree of ease and affluence which we enjoyed before this American war, must be nine millions. I make no demands of impracticable austerity, with any view to aggravate; but I state the simple and certain difference, such as it will be at the end of this campaign, with the situation in which a commendable attention of the noble lord in the early parts of his ministry had once placed us. I call it the certain difference of nine millions, because there can be no doubt that the extras, as estimated at 5,300,000*l.* must be much below the mark; if so, the result of the whole is this; that the nation must be prepared to support the burden of ten or twelve millions at the end of this year for the American war.

I have often stated these matters to the noble lord in this House, without any correction from him as having over-rated them. I told the country gentlemen, both last year and this year, that they must take their leave of a 3*s.* land tax; the fourth is mortgaged in perpetuity. If you are already ten or twelve millions deep, where will you be in the next year, and the next? and what taxes or funds are you provided with, or can you find? A noble person (the earl of Stair) has given us a very accurate state of the public revenue, and has shewn that the annual surplus, even of a 4*s.* establishment, is but about 500,000*l.* a year; how is this pittance to clear off a debt of ten millions? Or, if you go on with these destructive measures, perhaps 20 or 30 millions. Take off the fourth shilling, and you will find the remainder barely equal to your peace establishment; therefore the fourth shilling upon land is all that you have left to clear your debts, or to provide for future contingencies, till the landed gentlemen shall consent to give six shillings in the pound.

I have endeavoured to draw up my motions, argumentatively dependent upon each other, in the manner and order that I have opened them, viz. the services of 1776, the debts out-standing, the ordinary ways and means, and the deficiency unprovided for. That they may stand upon your Journals, as a caveat at least entered before these fatal measures are irretrievable. But as I do not mean to throw out any false colouring, either to the House, or to the public by the means of your votes, and as one of my resolutions contains a recital of the total navy debt, lest therefore it should appear that I made a demand for the payment of the whole, I shall offer to the House a subsequent resolution, explaining what proportion of the navy debt I do think it necessary to have discharged, for the better security of public credit, viz. the navy bills outstanding, or at least such part as now carry interest at 4 per cent. amounting to about 1,600,000*l.* exclusive of interest.

The reasons which induce me to offer this measure to the House, are in my poor opinion of some importance. If you look at your navy debt, you will see that there are more bills of credit now outstanding than in any year for the first five of the late war, when we had the greatest powers in Europe to contend with. What possible exaggeration could paint the present state of this country in more alarming colours! At the very outset of this war we are driven to the same shifts, which we were not driven to in the late war, till we had attained every object of it, and till by the vigorous exertion of a great minister, we had girt the globe with conquest. When every nerve had been so long strained, and so successfully, something

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might then have been said for slackening the springs, and eking out with expedients; but to begin with secret shifts and hazardous expedients, what is that but confessing to a certainty, that you foresee the enormity of the expence; that you take every means of concealing it from the public eye; that you know and feel the inability of your country to support a civil war, which will destroy every source of its strength and power; but that you are secretly and treacherously meditating to lead us on, confiding as we are, uninformed, and unsuspecting as you would have us to be, step by step, to ruin?

The public have been alarmed, and perhaps not without reason, upon some supposed measures of the Bank, with respect to navy bills. Wherever there are mysteries in matters of importance suspicion is justifiable. Immediately after the navy debt was moved for in parliament, it was announced, that the Bank had stopped their hands in buying up navy bills, and they fell to a double discount. It was the calling for the navy debt that first brought to light the total amount of the outstanding bills, which, on the 31st Dec. 1775, was greater than in any of the five first years of the late war. The public concluded very naturally, that there was some secret understanding between the ministry and the Bank upon this subject. Doubtless buying up the navy bills by the Bank was a voluntary act of their own, even if it were concerted with the ministry; but still the circumstances, taken altogether, appear suspicious. Why should the Bank have prevented themselves, as they seem to have done, from purchasing navy bills at the double discount? For the moment they left off buying, the discount became double. Why should they even seem to be assisting government in their system of contracting debts secretly and underhand? This is tender ground. It was not originally any suspicion of mine; but I confess I took it from a paper circulated, and which I believe was sent to most members of this House, stating, that the Bank had advanced above eight millions to the treasury, upon distant funds, out of the reach of circulation, to the great risk of public credit. If that be so, I think it is a most dangerous system. Its tendency is to convert the bank of England into a ministerial engine of state; and the danger nothing less, than making the executive power independent on the knowledge and consent of parliament for money. May not 24 directors, in some future time, be prevailed upon materially to sacrifice the interest of the proprietors at large to serve a minister? Even in the case just mentioned, it was a fortunate incident for the ministry, that, just at a time when it was their object to get what advance of money they could in secret, the Bank should seem studious to take up their navy bills at half the discount to which they fell, upon the very day on which they ceased to purchase. I repeat it again, this is tender ground: more so than is generally imagined. I believe no one can doubt the responsibility of the bank of England: but any bank, whether public or private, may be broken, notwithstanding a very certain final responsibility of paying 20*s.* in the pound, and even a great surplus remaining. It is a ready responsibility that must support any bank at a pinch; distant funds, out of reach, will not give support against a sudden alarm and run. Any indiscretion of the Bank in advancing large sums upon very distant funds, may be extremely hazardous to themselves, and to every shop, which by habit and gradual custom considers bank notes to be as good as coin. They are all upon one bottom. I have not all the alarms about paper credit that some gentlemen have, particularly not about bank paper; but still I think it a point of material prudence, that the Bank should not be too free in advancing millions upon very remote funds. This is a very important point. I hope that I have touched it tenderly. I think I need say no more in support of my last motion, for making a satisfactory provision for the outstanding navy bills.

I will now state my remaining motions as they follow each other argumentatively in order: 4. "That the supplies already voted in this session amount to the sum (or thereabouts) of 6,157,000*l.* exclusive of several other services as yet unprovided for. 5. That the expence of the navy for the year 1776 may probably exceed the provisions hitherto made by parliament, to the amount of 2,500,000*l.* 6. That the extraordinaries of the land forces for one year, from March 9, 1776, may probably amount to 2,500,000*l.* 7. That the expences of the office of ordnance for land service for 1776 may probably exceed the provisions hitherto made in this session by the sum of 300,000*l.* 8. That there are exchequer bills outstanding, charged upon the first aids of this session, to the amount of 1,250,000*l.* 9. That the navy debt on

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the 31st Dec. last amounted to the sum (or thereabouts) of 2,698,000*l.* 10. That for the better security of public credit it would be proper to provide for the navy, victualling, and transport bills, outstanding on the 29th of February, 1776, amounting to the principal sum of 2,308,000*l.* or thereabouts (exclusive of interest already due) or at least for such part of the said bills as do at present carry interest at 4 per cent."

Lord *North* said, the hon. gentleman looked for impossibilities, he could not divine what the expence of the campaign would amount to. It was impossible to tell, till the expence was incurred; and in some instances not till long after. Such accounts as were brought into the respective offices, were regularly laid before the House, and that was all that could be done. He was against the motion, because it could not be complied with; the sums might be right, but the House had no documents before them to come to such a vote.

Lord *John Cavendish* seconded the motion. He desired to know what money would be wanted, that the House might be enabled to judge fairly of the expediency of the undertaking, and entreated that administration would desist from their shameful disingenuous conduct, of bringing in their accounts by piece-meal, recommending them to speak out like men, who had nothing to fear or conceal, and were ready to submit the measure at large, with all its consequences, to the eye of parliament.

Hon. *James Luttrell* supported the motion. He however thought the information required would be very insufficient, if parliament were to be imposed on by such mutilated and garbled estimates as were laid upon the table, tending to mislead rather than inform the House. He would undertake to prove that they were replete with fraud and imposition, the money not having appeared to be applied to the several purposes for which parliament had granted it.

After a reply from Mr. Hartley, the motions were all negatived.

Debate in the Commons on the Budget.] April 24. The House being in a Committee of Ways and Means,

Lord *North* began with recapitulating the grants made in the committee of supply, which he said, amounted to 9,097,000*l.* He next stated the sums granted in the committee of ways and means, consisting of land and malt, produce of the sinking fund and exchequer bills, to be issued for the service of the year 1776, all which amounted to 7,143,000*l.* The difference between the amount of grants and monies provided for, he computed to be 1,956,000*l.* To balance this deficiency between the grants and supplies, he meant to borrow two millions, which would make an overplus of 44,000*l.* To raise this sum, he proposed that annuities should be granted at 3 per cent. per annum, on 1,400,000*l.* and that the other 600,000*l.* be raised by lottery, the prizes of which were to be funded and incorporated into the two millions stock.

His lordship then gave a particular account of the present flourishing state of the sinking fund. He observed, that the preceding session that fund had been charged with 2,800,000*l.* besides 100,000*l.* paid to his Majesty for the purchase of Somerset-house. Yet notwithstanding this heavy charge, there was a surplus at the end of the Christmas quarter, of 17,000*l.* which was now brought to the credit of the ways and means. To this prosperous state he said it might be objected, that the present troubles in America being foreseen, greater importations might have been made from that country in the course of last year than usual, which produced a kind of unnatural increase of the customs; but the very reverse, he assured the committee, was the fact, for, in the course of the last quarter, however unaccountable it might appear, the produce of the sinking fund on the 4th of the present month, was found to be 960,000*l.* so that the last five quarters produce amounted to the almost incredible sum of 3,877,000*l.* Though this state of that fund might appear as if the trade with the colonies was of little or no consequence to this nation, he did not mean to draw any such conclusion. He was convinced of the great importance of that valuable branch of commerce; but it authorised him to draw another conclusion of singular importance, which was, that it proved the great opulence, private consumption, public wealth, and immense resources of this country. When those facts first came to his knowledge, he confessed he was much astonished; he suspected that the imports from America must have been much greater than at any other time, at least in the beginning of the preceding year; he found to his surprise that that was

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not the fact, and the produce of the last quarter convinced him to demonstration. He again enquired, if the decrease in the debentures and drawbacks might not have contributed in a great measure to the increase of the sinking fund; but here again he was disappointed, for though the debentures and drawbacks had decreased, they had not decreased in any proportion at all sufficient to compensate the loss of our American trade. But still, on further enquiry, he found himself more puzzled, for it appeared that it was not by the customs alone that the fund was enriched, but from the excises on inland consumption, the most irrefragable evidence of the increasing, internal, and domestic wealth of the people, who were the consumers of those excised articles.

From this pleasing appearance, he was warranted in charging the sinking fund with the sum of 2,900,000*l.* now proposed, as he found it so rapidly on the increase. It appeared by taking the average of the two last years, the produce was 2,800,000*l.* and on the three last, 2,700,000*l.* and a fraction, whereas the average of the five preceding years amounted to no more than 2,500,000*l.* or hardly so much; and previous to the breaking out of the late war, to not more than half that sum. This led him to repeat, that our commerce was immense, our resources great, and our internal opulence almost beyond conception; for though the national debt was considerable, and our burthens heavy, the tradesmen, mechanics, and labourers in this country, lived in a manner unknown to any country whatever. Examine the labourer's stile and manner of living; examine his food, his clothing, his house, and even his little luxuries, and compare him with men of the same class in Ireland, in any other part of the empire, or Europe; and it would amount to this demonstrative proof, that although our taxes were great, our burthens were heavy, that yet the means of procuring the necessaries, nay, even the comforts of life, were easier attainable in this country, than in any other under the sun.

On the other operation of finance, that of raising 1,500,000*l.* by exchequer bills, he begged leave to explain himself, as it arose from circumstances which related to a matter not immediately before the committee, that was the present state of the East India Company, concerning their transactions with the Bank. In 1773, government issued 1,400,000*l.* exchequer bills, in order to extricate that company out of its difficulties, 1,100,000*l.* of which has been since paid; so that 300,000*l.* only remaining in circulation, he thought he had a fair opportunity of issuing 250,000*l.* in exchequer bills more than the last year, without running the risk of a glutted market. On this ground, therefore, it was, that he increased the exchequer bills from 1,250,000*l.* to 1,500,000*l.*

His lordship repeated, that the money to be borrowed and funded, would be two millions. In this operation he had two points in view; one was, to make the best bargain he could for the public; the other, to give the stockholder a reasonable encouragement to subscribe; both those he hoped would be effected. It is true there would be a nominal loss to the public of 15 per cent. but it could not possibly be otherwise, and the subscriber would be no real gainer, on account of the very low price of stock, for the premium and the advance on the lottery tickets would amount to more than a fair market-price for his subscription. The interest on this stock would amount to 64,000*l.*; and, as it was not meant to break in on the sinking fund, must be paid by new taxes.

Taxes in all countries, where necessity did not compel, should, as much as possible, be laid on luxury, and the elegant conveniencies of life; but much more where the strength of a kingdom chiefly depend on its trade and commerce. In those he meant to submit to the committee, he should have that great object steadily in view. In many instances this mode of levying taxes would not answer. Where great sums were to be borrowed, the burden must lie on the bulk of the people, who were only capable of bearing it; but in every operation, such as the present, luxuries ought to be taxed, both because the first weight ought to fall on the rich and opulent, and because every tax, which might in its consequences tend to affect our manufactures, so as to enhance their value to foreign purchasers, ought, if possible, to be avoided.

The tax on four-wheel carriages, though an object of convenience, was, in another light, a luxury, because none kept them but such as were really or nominally rich. The tax on two-wheel carriages came under the same description in a secondary degree; but on inspecting into the produce of the last mentioned tax, he observed that it decreased, while the other was yearly on the increase. The number of

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four-wheel carriages which paid the tax last year, he said, was 18,600; but supposing that gentlemen, who had several of them, would on this account lay down one, or that the number of four-wheel carriages might from other causes actually decrease, he would allow for that decrease, and fix the number at 17,000, which, at 20*s.* each, would produce the sum of 17,000*l.*

The next proper object of taxation, he thought, would be stage coaches and machines. He said, that gentlemen who paid the tax for their own carriages, thought it a little extraordinary that hackney carriages should be exempted, particularly when they saw four or six insides, and eight or ten outsides daily passing them on the road, without contributing a shilling towards the public expence. Those he computed at 400, though he believed them to be considerably more, which, at 5*l.* each, would produce about 2,000*l.* a year.

There had been taxes already laid on all deeds and paper writings sealed, but he thought from the easy manner of collecting the stamp-duties, and the benefits supposed to arise to the parties from such transactions at the time, that deeds would bear an additional stamp of 1*s.* The shilling stamp laid on in 1736, produced the last year 32,000*l.*, but taking it on an average of 30,000*l.*, he proposed that an additional tax of 1*s.* each should be laid on all deeds or paper writings sealed, heretofore liable to the payment of stamp-duties.

Cards and dice were matters of real luxury, and ought therefore to be taxed. 164,000 packs of cards had been stamped the last year, which amounted to between 3 and 4,000*l.* Another 6*d.* stamp would produce a like sum, and the half crown stamp on dice, about 400*l.*

Newspapers in general, he thought a very fit object of taxation. Many persons thought they did more harm than good, while others looked upon them to be of great public benefit. He did not pretend to determine whether they were, or were not; but he could not help observing that they inculcated one thing which he believed was not to be credited, which was, that the liberties of this country were in danger from cruel, ambitious, and tyrannical ministers, when, under this tyrannic government, news-writers were daily permitted to abuse the persons, and misrepresent the measures, of those very men whom they described as enemies of liberty, with impunity. He could further inform them that those calumnies and falshoods, were propagated and repeated in the course of a year, in no less than 12,230,000 news-papers. It was difficult to determine whence this avidity for reading news-papers arose. He could not say it was from a thirst of knowledge or improvement. He presumed, therefore, it was from a general desire of knowing what was passing, of spending half an hour that lay heavy on their hands, or from an idle foolish curiosity; but let the reason be what it might, it was a species of luxury that ought to be taxed, and from the propensity just mentioned, would, he made no doubt, well bear it. By the last returns in the Stamp-office, the amount of the tax was 50,000*l.* on the penny-stamp. He proposed now to lay on an additional halfpenny, which would, if the sale were to continue the same, produce 25,000*l.* but as the sale might possibly decrease somewhat, he would compute the produce of this tax to be no more than 18,000*l.* per annum. Taking those several sums together, they made about 72,000*l.* per annum, out of which deducting the interest of the 2,150,000*l.* which was 64,000*l.* there would remain about 8,000*l.* a year to be applied to the uses of the sinking-fund.

His lordship then reminded the committee, that the power and wealth of this country were great, and its spirit high, notwithstanding the pains that had been taken to depreciate one, and vilify and traduce the other. Though Englishmen were degraded in the eyes of all Europe as tame, spiritless, and cowardly; though this country had been represented to be exhausted, borne down by taxes, and on the eve of a general bankruptcy: though the disappointments of the last campaign were magnified into defeats; and though America was represented, to be the seat of virtue, liberty, courage and heroism, he nevertheless trusted that this country had both the spirit left to assert her rights, to resent the insults she had received, and to convince her public and domestic enemies, that as she had the will, so she had likewise the means, of repairing her injured honour. He observed, that this country, when roused to a sense of her injuries, had never failed to chastise her foes, whether foreign or domestic; and that however slow she might be in the beginning, experience had taught them that she was not to be insulted with impunity.

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His lordship spoke above an hour, to prove the solid grounds the credit of the Bank of England stood on; and contended, that it was no less supported by its own ability, than its known regard to public faith, which had secured it a credit and reputation, not only within this island, but in almost every part of the mercantile world. He alluded to Dr. Price, lord Stair, &c. several of whose arguments, he said, were built on hypothetical reasonings. They often contained matter well deserving of public and private consideration; but there was one observation he learnt by perusing them, that however their facts might be just, pertinent, or important, their conclusions and predictions generally turned out to be false. When even men, the best versed in business, and who had acted in the most important stations, quitted practice for theory, they were no less liable to fall into error than mere abstract reasoners. Such was the case of a great minister (sir Robert Walpole) who was often heard to say, that whenever the nation owed 100 millions, it would be undone, and become a bankrupt. The event had since falsified the prediction of that able politician, for in less than thirty years after pronouncing this authoritative sentence, the nation owed near 150 millions, and was neither bankrupt nor undone.

He observed, that great pains had been taken to decry the Bank, and to depreciate its credit, but to no purpose. It had been called a bubble; but it was the characteristic of a bubble to burst speedily. This, he said, was by no means the case with the Bank; the poet had well sung

"Now a bubble bursts, and now a world."

but though he could not pronounce the Bank of England as possessing the stability of a world, yet it was not probable that it should fail; the prudence of its management, the frequent change of its directors, and the smallness of its dividends, all tended to support its credit. Many attempts have been made to prove its connection and dependence on government, and the influence it gave the minister. If by the minister was meant the first lord of the Treasury, he assured the committee he had no influence on them; if he had, he should, he hoped, use it to the best purposes, that of the public welfare. It was said too, that the Bank had joined government against the people, than which nothing could be more fallacious, for by co-operating with government, they essentially served the people, and no surer test could be given than this, that if the people withdrew their confidence from government but for one day, he would engage that the next the individuals who compose the present administration, would have no more influence with the Bank, than any other set of individuals whatever; and on the whole, he could fairly declare, that he did not know a single instance in which the Bank had assisted government, which was in fact assisting the public, but in circulating the exchequer and navy bills, which brought them into the market, and lowered the premium half per cent.

It might be objected, he said, that the grants already made, and the services already provided for, would not be sufficient, particularly that no provision had been made for the army extraordinaries, which would be a certain expence. The observation would be a just one, if made, for there was none. He foresaw it, and intended, if something had not prevented him, to have taken his Majesty's directions on that point. He, however, would take the earliest opportunity of waiting on his Majesty, in pursuance of which, he presumed, he should to-morrow deliver a royal message, desiring a vote of credit.

The events of war were uncertain; but he had every reason to be satisfied, that such steps had been taken as would be the means of bringing America to a proper sense of her duty. There was nothing more disagreeable to him, than to assert the rights of this country by force of arms, if it were possible to secure them by any other means. He sincerely wished for accommodation, if it could be obtained consistently with the honour and interests of the parent state. But he trusted to the spirit and insulted honour of the British nation, that it would not let its most important rights be wrested by violence, and rebellion, out of its hand; and if occasion should require it, that it would exert that strength, which, when properly exerted, never failed to prevail.

Governor *Johnstone* observed, it was a little extraordinary that the gallery should be open on that day, and shut up upon almost every other, since the commencement of the session, on which matters of importance came under discussion. He assured the House, that he was always pleased to see the gallery as full as the convenience of the members would permit; but the admission on such a day as this, which gave the minister an advantage

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over his opponents, by giving any sentiments as his own, and imputing any sentiments he pleased to others, fully convinced him that his lordship's influence extended to every matter relative to the conduct and ordering of that House, be the occasion ever so trivial or important. If strangers are to be shut out one day, none can be at a loss to know whence the mandate originated; if the gallery is to be open on another day, it was equally evident to whom the public were indebted for the indulgence. He knew he was disorderly in alluding to such a circumstance, and he should hardly have mentioned it, but for another, which was of no small importance to him, as well as all the other gentlemen on that side of the House. The matter he alluded to was the indirect charges made against them, as if they had vilified the nation, questioned its spirit and ability, and drawn comparisons between it and America much to its disgrace, than which nothing could be more false or ill-founded. The arguments he alluded to were, he insisted, mis-stated and misrepresented. It was not the courage nor the spirit of the nation that was questioned; it was that the war was unpopular, that the people did not approve of it, that they were cool, languid, and irresolute. He said it was happy for the noble lord that the people were so, for if it was a foreign war that had been so unsuccessful, that had been so replete with mismanagement and misconduct, it would probably by this time have cost the minister his head. He adverted to the very heavy expence, and spoke of the present taxes proposed, as only a foretaste of what the people were to expect. He said the war was diabolical, but he would not take advantage of an open gallery to declare his sentiments, but he was certain it was an unjust and impolitic war. The noble lord, and his colleagues in office, had frequently asserted that America would be subdued in one campaign; but he called upon any one gentleman, either in the army or navy, to rise and pledge himself, as a professional man, for the truth of it. He was very certain not one of them would or could. If so, then it would follow that our additional taxes were but just commencing; and if we were to borrow two millions this year, five times the sum would hardly be sufficient to defray the expences of the next year. He observed that the language of the noble lord had been greatly changed of late. The general tenor of it, for the purpose of inducing the nation to go to war, was, that our burthens were intolerable; that our debt was enormous, our resources exhausted; that we paid 17*s.* 6*d.* in the pound, while America did not and would not contribute a pepper-corn towards the support of those burthens which she had been instrumental in incurring. Now the note is suddenly changed: Britain is the most rich, flourishing, and opulent country on the face of the earth. Her taxes are great, but her resources are immense, and her strength irresistible. He objected to the tax on hackney-coaches and newspapers, on the ground of being stated by the noble lord as articles of luxury. Stage-coaches, he said, were very useful modes of conveyance. They were calculated for the conveniency of the middling and lower orders of people. They were expeditious, and were of national benefit, that of opening a communication between one part of the kingdom and another, which, in a trading, manufacturing nation, was of no small consequence. As to newspapers, he thought the tax had better be laid on the political pamphlets, or rather the political trash, countenanced by government. But if newspapers are an object of luxury, it was a luxury which it would be cruel to deprive those of who thought it so. He remarked on the noble lord's reasonings relative to the ship-news received from Jamaica. He said he had made it his business to enquire of the captain, and had found it to correspond with what had appeared in the public prints. His lordship has said, if there had been any foundation for the report, the governor would have sent an account of it. But does it follow, that the report must be false, because the ministry have received no intelligence of it? The ship which brought the news from Jamaica came by the north passage, which was the safest, and frequently the most expeditious; another vessel, with the dispatches, might be on her voyage; and martial law might be proclaimed or it might not; still the fact was not invalidated, of the governor of Jamaica being alarmed by the great force the French had in the West Indies.

Mr. *Fox* repeated the governor's observation respecting the opening of the gallery, asking if it was cooler and more convenient for a crowd then than in January or February, and asserted, that the noble lord's speech of this day was the reverse of what he had repeatedly maintained in

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that House; that it was a custom with the noble lord to contradict himself, but that he believed he might have prudence enough, with a tolerable share of preparation, to appear consistent for one day, and to tell the same story, however contradictory it might be, to his usual argument; than which nothing could possibly be more opposite than his flattering description of our situation and ability to answer every want the turn of affairs was likely to occasion. He animadverted with some humour and great asperity, on the irregular conduct of the House respecting the opening of the gallery doors, asserting that the public had a right to hear in what manner their representatives discharged their duty; and that the gallery being open or shut should depend on the will of any one or two persons, was exceedingly unfair. He dwelt a considerable time on this point, and after declaring that he knew that the gallery had been opened on a whisper from the noble lord, when he was prepared to say any thing likely to produce a popular effect; he went so far as to assert, that in his opinion it was a breach of the constitution to prevent the public from hearing their proceedings. To the resolutions offered by the noble lord, he said, he should give his flat negative, and that not because of any particular objections to the taxes proposed (although there might be a sufficient ground for urging many) but because he could not conscientiously agree to grant any money for so destructive, so ignoble a purpose as the carrying on a war commenced unjustly, and supported with no other view than to the extirpation of freedom, and the violation of every social comfort. This, he said, he conceived to be the strict line of conduct to be observed by a member of parliament—and to shew that it was justifiable, he found himself necessitated to state the case of the American quarrel, for as strangers were admitted but for one day, it was necessary for him to repeat what he had often urged. This he acknowledged was rather out of order, but the noble lord must expect that the irregularity of his conduct would give rise to irregular debate.—He then in a very masterly manner painted the quarrel with America as unjust, and the pursuance of the war as blood-thirsty and oppressive. He said, it had been repeatedly urged that the Americans aimed at independence and therefore ought not to be treated with till they laid down their arms; nothing could be more absurd than this sort of argument; it would have been just as ridiculous, if in our war with Louis the 14th, who was said to aim at universal monarchy we had declined to treat about the provinces of Alsace and Lorrain, on account of the report of his aiming at universal monarchy.—After expressing his opinion of the quarrel, and justifying America with that rapid flow of words, and that spirit and force of argument for which Mr. Fox is distinguishable, he at length took notice of the resolutions offered by the noble lord, and in particular spoke of the intended additional stamp on news-papers, which he urged as impolitic and unfair while the ministerial brochures remained unstamped. He said he was far from being a friend to the licentiousness of the press, although he revered its freedom. The papers were intolerably licentious, and injurious to the peace of private families; but the noble lord had given rise to their insatiable rage for calumny, by suffering his hirelings to abuse the gentlemen in opposition in terms of the most daring nature. He observed, that the press at this time teemed with ministerial publications, many of which deserved the severest censure. That the pamphlet, entitled, "A History of the 13th Parliament of Great Britain," was a libel on that House, a libel of the most impudent kind, and yet it passed unnoticed. The noble lord had very triumphantly held up, as a proof of the freedom of the press, the information that twelve million and upwards of news-papers were stamped in one year; he begged the noble lord to consider that there were near twelve million of people in the kingdom; the noble lord therefore only proved, that every man in the realm might buy one paper in the course of the year.—This was the first time he had ever heard that a law-suit was a luxury, but the noble lord had clearly made it appear, from the flattering picture of our resources which he had just presented, that the war with America was a luxury, and a luxury of the most frivolous and reprehensible kind, for the noble lord told the House we were able to provide supplies equal to any necessity, and yet he was pursuing an inhuman, unnatural war, for the sake of a trifling and uncertain revenue. He, however, rather believed what the noble lord had said in the House when strangers were not in the gallery, than what had been so triumphantly stated by him this day, for he was sure his declaration of the people's wealth could only be proved by admitting

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the doctrine, that when, by any tax, four shillings in the pound were taken from a subject he was greatly obliged, as he was in fact given the remaining sixteen shillings. After a great deal of very poignant matter, Mr. Fox sat down, repeating, that he gave his flat negative to the resolutions.

The *Speaker* rose, and observing, that, from what had fallen from the two hon. gentlemen, his conduct appeared blameable, respecting the opening of the gallery doors, he begged to explain the reason of it, and to take the blame on himself, if there was any. The standing order of the House was known to every gentleman, and it was his duty to enforce it, whenever it was desired to be read. An hon. gentleman had, at an early period of the session, desired it to be read; he had ever since punctiliously kept to it: but, as this was a day of money business, when it was usual to admit strangers, he conceived the House would wink at a relaxation from the general rule; he had therefore told the Serjeant to admit strangers into the gallery, as far as the bars which were even with the bar below; but if he had gone too far, he asked pardon of the committee.

Mr. *Fox* said, he by no means blamed the Speaker, as he was conscious no officer acted with more uprightness and impartiality; but he was sure the gallery ought to be opened, and he heartily wished the House would follow the example of the other assembly, who now admitted strangers.

The *Speaker* fully exculpated himself from blame, and urged the propriety, if the order was found inconvenient, of some gentleman's moving to take it into consideration on a future day.

Mr. *Fox* wished the standing order to be rescinded or amended, and if neither could be done, he would rather that the present bad method was pursued, in preference to a total prevention of the admission of strangers.

Mr. *Rigby*,* with that rough and unpolished manner for which he is remarkable in his senatorial oratory, took up the subject, and declared he rose an advocate for the order of the House, an order which had stood the test of years, although it was now said "it was a breach of the constitution." He begged to know by what claim those who were not members desired admittance; if one stranger had a right, every man in the kingdom had a right, and where were the people to be put? he insisted upon it that no person but a member ought to be in that House, and he wondered, that after so violent a quarrel with the other House, the members of this should accept of so poor a compromise as the present disagreeable sufferance to hear the debates in the House of Lords. If a member of the House of Commons indeed had any noble blood in his veins, if he was the third son of a lord, or a cousin to a peer, he stood some chance of being accommodated as the members of the House of Commons were before the quarrel; but if *he* went there, he was sure to be affronted, and to be thrust among the thieves and pickpockets below the bar. Whenever the standing order for clearing the House became the object of debate, he would be one who would support the order. He then talked of the war with America as every way necessary and justifiable; said, that if it was madness to contend that the carrying on the war was either necessary or proper, he was that madman, and he would now vote for the resolutions proposed, because he thought they would tend to procure a proper submission; that he was fully convinced the Americans ought not to be treated with, till they laid down their arms; that he was clearly in opinion, that they aimed at independency; and he deduced this opinion from their own publication, Mr. Adams's pamphlet called Common Sense, in which he without scruple talked of every thing short of independency as ridiculous, and wrote in such a stile, that no man here could lay claim to common sense, and not see the drift of the writer. He further added, that the parliament had put a powerful force into the minister's hands, and had liberally voted to enable him to act with vigour; that at the commencement of next session, he hoped to hear a good account of the minister's stewardship. An hon. gentleman had talked of Lewis the 14th, and the treaty about Alsace and Lorrain. It would be time enough to compare Mr. Adams to that prince when he had equal power and equal resources; thank God, he was not yet Lewis the 14th; he believed, he wished to be Oliver Cromwell, and when he had got so far, we might then indeed expect great matters. He had, he said, read and admired "The History of the Thirteenth Parliament of Great Britain;" he thought

* For a curious Biographical Account of Mr. Rigby, see the Lounger's Common Place Book, vol. 3, p. 108. Edit. 1805.

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the author a very able writer. He concluded with declaring, that his advice was not asked any where but in parliament, nor did he desire that it should be asked in any other place, but he now plainly declared his hope that America would be subdued, and his expectation that the minister would act with vigour.

Mr. *T. Townshend* warmly urged the injustice of taxing the subjects here with an additional weight merely to support a war big with ruin to the empire.

Colonel *Barré* said, he would not long trouble the House on this day, which was generally a day of triumph to the minister, although it was in fact a day of imposition to the public. He could not however let it pass without asking a few questions before the House. In the first place he begged to know whether lord Howe was or was not to go chief in naval command to America? He said he had served with the family in America, that they were brave and generous, and he did not doubt but the olive branch would be at hand when lord Howe hoisted his flag; as he conceived that lord would rather go as a minister of peace and happiness to a people who revered his family, than as the herald of war and devastation. Another question necessary to be answered was, whether the King's servants acted *uno animo?* The hon. gentleman who had so loudly avowed his enmity to America, had just declared, that nothing short of unconditional submission would be accepted, while the noble lord had talked of his inclination to treat America with temper, moderation, and even affection. How was this difference to be reconciled? The hon. gentleman had indeed declared, that he was not a member of administration, and never gave his advice; the world thought otherwise, and it was notorious that he reaped a pretty tolerable share of the emoluments of government, much of which depended on the prosecution of the present unnatural and ruinous war. He advised the gentleman to be more cautious how he used the word 'independency;' there was such a thing as talking people into a measure they never thought of themselves, and this had frequently been the case. He particularly reminded the House of the imprudence of some gentlemen, who when the news arrived of the destruction of the tea at Boston, by a mere mob, deemed all the inhabitants rebels; a title they by no means deserved, and which not a little conduced to exasperate America, and make her take up arms.—Unanimity in his Majesty's councils was, he remarked, of the highest consequence; no success could follow where there was a distraction and division of sentiment among those in power. He was aware that it might be said, the gentlemen on that side of the House were not always unanimous, but he begged to observe, that their divisions were comparatively immaterial to those of the ministry who were the engineers of government, and gave birth to its operations. Above all things, therefore, he recommended unanimity, and hoped as the noble lord was the ostensible minister, that his word might be taken for the wishes of himself and his co-adjutors to use the Americans rather with mildness than severity. As to the alarms respecting the French and Spaniards, he owned he felt no fears on their accounts yet, but he thought we could not be too cautious, as probably they might be tempted to take advantage of our present defenceless situation both at home and in Ireland. He concluded with adopting the phrase of Mr. Fox, and giving his flat negative to the Resolutions, as they were calculated to tax the subject for an unjust purpose.

The Resolutions moved by lord North were then agreed to.

Debate on Sir James Lowther's Motion against employing Foreign Troops without the Consent of Parliament.] April 25. Sir *James Lowther* moved, "That it is the opinion of this House, that the introducing of Foreign Troops into any part of the dominions of the crown of Great-Britain, without the previous consent or approbation of the parliament of Great-Britain, is contrary to the principles of the constitution, and not warranted by law." He gave an historical detail of the introduction of foreigners into this kingdom since the earliest periods of the monarchy, and shewed that it had always been looked upon to be illegal and unconstitutional, without the consent of parliament. He said, all our liberties would be no more than a shadow, if such things were permitted on the ground of prerogative, for instead of a limited, the very nature and effect of such a pretended claim in the crown, would render this government an absolute monarchy. Among the points he most urged, was the conduct of king William's parliament towards his Dutch guards, and the sense the nation had of the law at the time of its being passed;

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and that construction which the framers of the Bill of Rights immediately gave it, was to him the fullest proof that the obvious construction of the law as it now appeared, was likewise the intention of those who passed it, which was, that no foreigners could be constitutionally introduced into this country without the consent of parliament.

Governor *Johnstone* seconded the motion, and was extremely severe on lord North. He insisted his lordship had insulted the nation in the manner of conducting the Indemnity Bill. The preamble was no better than a mere farce, and it was all along conducted in that light in the House; for the fate it met with in the other shewed how little the minister, when his turn was served, regarded the wishes of either his friends or his enemies.

Mr. *Cosmo Gordon* said, it was an improper time to take any step which might have the appearance of passing a censure on his Majesty's ministers; and though he did not entirely approve of the measure the motion was intended to condemn, yet he believed the ministers always acted according to the King's inclinations.

Mr. *T. Townshend* spoke of the danger of bringing foreigners into the British dominions, without the consent of parliament. It was a new experiment, and should have been adopted with great caution. It is true, foreigners were taken into the British pay in every war since the Revolution; but it made a great difference, in hiring them to fight our battles on the continent, or to defend their own dominions, and introducing them into the British empire; perhaps not long before it would be for the purpose of defending this very capital. The mode of recruiting the British troops with foreigners was besides extremely exceptionable. They were enlisted in the Hans towns, which were known to be the asylum of all the rogues and vagabonds of the rest of Germany; men who had fled their respective countries for their crimes. When such men, therefore, came to serve in America, to suppose that they would fight cordially for this country, was absurd in the extreme: they would certainly enlist with the best pay-master, or join with that party which held out the best prospects of improving their present situation or future fortunes. What made him the more solicitous about the success of the present motion was, that he understood the measure had not been supported upon the ground of necessity, but had been expressly maintained by several eminent lawyers as a positive unconditional prerogative inherent in the crown.

Lord *Mulgrave* did not conceive that any law or usage whatever, reached the present case, or could prevent the King from bringing foreigners into any part of the dominions of the crown he pleased, Great-Britain excepted.

Mr. *Henry Dundas* said, the usage had always been, that the crown had a right to exercise the discretionary power now objected to; but as the motion stated was not one that ought to have a direct negative put upon it, he should move the previous question. On which side the law lay he would not pretend to determine; but, for his part, he should think a minister very blame-worthy, who did not, when the most important interests of his country were at stake, venture even to transgress the exact limits of the law; and in such a case he was sure parliament would cheerfully indemnify him. If Gibraltar and Minorca, for want of a sufficient defence, had fallen into the hands of the French and Spaniards, he would be one of the first that would give his vote for hanging that minister who neglected to procure foreigners for their security were it in his power.

Mr. *Dunning* confined himself chiefly to the definition of the law, and shewed, that if interpreted in the manner contended for on the other side, 100,000 Russians or Germans might be introduced into Scotland, because Scotland at the time of passing the Bill of Rights formed no part of this kingdom.

Mr. Serjeant *Glynn* said, that the motion now made became more necessary, by the Indemnity Bill being thrown out: it was a proper motion to prevent the measure of introducing foreigners without the consent of parliament, having the full weight and authority of a precedent.

The *Attorney General* said, that ministers always do things at their own peril when they over-step the law. It was therefore idle to insist on the legality or illegality of the measure; if they should act in a manner not warranted by the constitution, parliament were the judges, and would proceed to acquittal or condemnation, according to the nature of the case.

Mr. *Fox* said, that it was illegal for one part of the legislature to sanctify the introduction of foreigners. Parliament were the proper judges of the measure.

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Mr. *Temple Luttrell* said, he had no intention of detaining the House at so late an hour of the night, but for his just receiving assurances from a worthy member near the door, who supposed he was quitting the House without waiting a division, that if he would stay and attend to Mr. Attorney General, it would be impossible to have another doubt left upon the legality of such a power as was now asserted by the crown. He had therefore listened with the most earnest attention to that first advocate of the bar, without the promised conviction; so far from it, his arguments served but to confirm the doctrine laid down by the hon. baronet who so ably introduced this motion. He did believe, however, that if it were within the compass of professional finesse, or florid eloquence, that gentleman, who spoke last, would have come off triumphant over all his scruples. He was truly concerned, he could not be assisted with the lights of that other great luminary of the law Mr. Solicitor General, who at the beginning of the evening, was from every quarter of the House, expected to shine forth with more than usual lustre. He thought that hon. member considered himself as pledged to parliament to maintain his former proposition on this topic, that his Majesty might not only, by virtue of his prerogative, introduce foreign troops into the dependencies of Great Britain without consulting the will of parliament, but might do the same into any of the sea-ports of this island, or even into the Tower of London. He could have told that hon. member, that previous to the Revolution, there were no standing forces ever known in this country, excepting the king's personal guards, but which were constantly kept as garrisons in fortresses near our coasts. Here Mr. Luttrell drew a picture of the Solicitor sneaking behind the Speaker's chair; and then observed on what had fallen from the several lawyers who had struggled in this debate to uphold the unconstitutional tenets of administration; and applied a saying of Lewis the 12th of France, that lawyers do with their law as shoemakers do with their leather; they pinch it, twist it, beat it, and stretch it, till it suits whatever measure they aim at: this was however a measure none of the very ingenious gentlemen of the long robe could bring the most pliant leather of his law exactly to fit. Even Mr. Attorney General, who he must, in justice, allow to be the very Crispin of his trade, had found it a job *ultra crepidam*. The hon. member who made the motion, and his friend who seconded him, had clearly shewn, that the introduction of foreign troops, without consent of parliament, was ever considered, as contrary to the fundamental constitutions of the realm: proofs had been given, that it was expressly so declared in the reigns of our Edwards and Henrys; and in late times, by the spirit of the Bill of Rights: that these declarations were an affirmance of the law as it stood in the time of Magna-Charta; which law was in being before the accession of the Plantagenets or Norman kings, and was probably established in the Saxon reigns earlier than the days of the Confessor. A gentleman on the other side of the House had ended his speech with a curious exultation, "thank God, the zeal of foreign troops is not wanting for the present war." Mr. Luttrell compared this critical conjuncture to the æra of the Revolution, when James the 2nd demanded the Scotch Dutch, but had been refused by the States General, who answered, that they had granted them to crush rebellion in the duke of Monmouth's revolt, but they should never be used as instruments to subvert the liberties of Great Britain.—I am sorry to learn, that our national troops, even the guards in this capital, are so ready as the hon. gentleman tells you, to spill the blood of their countrymen, armed in a cause worthy of Britons. Recollect the first dawn of the glorious Revolution, which gave this diadem to the family of Brunswick. British soldiers then held different maxims of military obligations in the land of civil liberty. I marvel that we have never voted in this House the charge of a superb monumental column and inscription, to commemorate the patriotism of the earl of Litchfield's regiment in the year 1688, when they did more essential service to their country by laying down their arms, than any military corps could ever boast of in the field, accoutred at all points; they justly preferred the civil and religious rights of their country, to the arbitrary mandates of any monarch: they, Sir, thought, almost to a man, with a noble peer in the other House of Parliament (earl of Effingham). He, Sir, considered the duty of a good citizen to be paramount to that of a good soldier; that his obedience to his sovereign, however sacred, was but a secondary consideration, his first allegiance, his first service to the public. We learn from Rapin, and

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other credible authorities, that, previous to the Revolution, a letter from the prince of Orange to the officers of the English army, and another from admiral Herbert to the English fleet, by his highness's order, were printed and published in London; the design of which was, to inform the army and navy of the true intentions of the prince, and to represent to them, that, in being the king's instrument to accomplish his designs, they were labouring their own ruin: the officers, soldiers, and seamen, were conjured not to suffer themselves to be abused by a false notion of honour, to serve their king contrary to the manifest interest of their country. These two letters (adds the historian) had a wonderful effect upon officers, soldiers, and sailors, so that from this time they resolved not to draw their swords in so wrongful a quarrel. In my opinion, nothing ought to be more seriously alarming to the subjects of this country, and its several dependencies, than to hear the modern language but too universally held both in public and private, by our best officers in the army: "they are obliged in honour to execute implicitly the orders of their sovereign, while they hold a commission under him." I maintain, Sir, that every military commission to serve in the British army, whether in foreign or domestic employ, is from their country, though the nomination depends immediately on the sovereign, as the executive hand of the state; and when a king of Great Britain bestows any commission whatever, and on whomsoever it may be, from a field-marshal to an ensign, it is virtually with the same implied terms which were so nobly expressed by one of the most enterprising as well as one of the most humane and wisest of the Roman emperors; "Take this sword," said Trajan, when he presented it as the badge of office to Saburanus, whom he had appointed prefect of the Pretorian guards, "remember, it is your duty to use it for my defence while I govern well; if I govern ill, your duty to your country, beyond your duty to me, will oblige you, as a good citizen and an honest man, to use it for my destruction."

The previous question being put, That that question be now put; the House divided.

	Tellers.	
Yeas	Sir James Lowther Mr. Byng	88
Noes	Lord Adv. of Scotland Sir John Irwine	149

So it passed in the negative.

Debate in the Commons on Mr. Wilkes's Motion respecting his Expulsion.] April 30. Mr. *Wilkes* said:

Mr. Speaker; the veneration with which I am deeply impressed for the constitution of my country, the love and affection of a native to the noble privileges, the laws and liberties, of England, as well as duty and gratitude to the much-injured freeholders of Middlesex, are the powerful motives of my again troubling the House with a question so frequently agitated within these walls, so fully discussed even the last session, although not hitherto followed with the success, which I hope on the present occasion.

The profligacy, venality, and open attempts against liberty by the last House of Commons, have made their memory odious to the people. The annals of our country are disgraced with their various violations of the rights of the subject. I shall now confine myself to a single case, but it was of the blackest nature, of the deepest dye, and branched out into many enormities, which still demand ample atonement. I allude to the iniquitous and daring resolutions respecting the elections for the county of Middlesex, and the seating Mr. Luttrell in the House, although he had confessedly only a minority of the suffrages of the freeholders, in whom the constitution has placed the right of election. While these resolutions, Sir, remain among our records, I consider a precedent established, under the sanction of this House, to rob not only a whole county, but the entire collective body of electors of this kingdom, of their birthright, and most valuable inheritance. It is a precedent, which may be brought home to every borough, city, and county, to every freeholder, every elector in the island.

The facts were fully stated to the House in the debate on this subject the last year, and I am persuaded they live in the memory of every gentleman. I shall desire the clerk to read only one resolution. It is that of Feb. 17, 1769, "That John Wilkes, esq. having been, in this session of parliament, expelled this House, was, and is, incapable of being elected a member to serve in this present parliament." This declaration, in my opinion, transfers from the people to this House the right of election, and by an uncontrouled exercise of the negative power, the House in effect assume the positive right of making whom they please the representatives of the people in parliament. I am very ready to ad-

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mit that there are various natural and legal incapacities; and when the party is subject to any one of them, he is not eligible. Aliens, minors, bishops, are incapable of being elected into a House of Commons. Besides these, there are other incapacities arising from the peculiar circumstances of the case, and some created by particular statutes. Where, however, there is no natural or legal disability, the capacity of being elected is the inherent right of every freeman of the realm. He cannot be divested of it without an equal injury to the party, and to the constituent, in whom the power is constitutionally lodged of determining whom he thinks the most fit and proper person to act for him in the great council of the nation. The declaration of the House therefore, that any man, duly qualified by law, shall not be allowed to sit in parliament as a representative of the Commons of the realm, was assuming to themselves the making a new law, to which only the three estates are adequate. It was disfranchising a whole county, and consequently in effect the united kingdom.

The public attention has been so long fixed on this important business, that it would be the weakest and vainest presumption in me to attempt any new arguments in support of a right acknowledged by every man, who is not in a detestable league for the subversion of all our rights, liberties, and franchises. I shall not enter on a dull repetition of the debates, which for the last seven years have come on every session, nor repeat a multitude of cases and precedents; but, while I have a seat in this House, I pledge myself to my country, that I will be firm and unwearied in my endeavours, till every syllable on our Journals, which marks the injustice done to the freeholders of Middlesex, and to every elector in the island, be fully erased or obliterated.

Since the debate, however, on this question in the last session, almost within a fortnight after, a case respecting the election at Abingdon was determined here in a manner diametrically opposite to one part of this pretended law of parliament, which has been solemnly laid down by all the advocates of the ministry in the affair of Mr. Luttrell. They argued, that all the votes given to Mr. Wilkes were thrown away, because they were given, as they asserted, to a person labouring under a legal incapacity, and consequently Mr. Luttrell, with only 296 freeholders, was entitled to his seat in preference to the other candidate with 1143. The majority of the electors of Middlesex, Sir, fully answered this argument in that remarkable petition presented by the worthy baronet (Sir G. Savile) the 29th of April, 1769, in which they asserted, "That Mr. Luttrell had not a majority of legal votes; nor did they, when they voted for Mr. Wilkes, mean thereby to throw away their votes, or to wave their right of representation, nor would they, by any means, have chosen to be represented by Mr. Luttrell." Notwithstanding this petition, the House on the 8th of May following declared Mr. Luttrell duly elected. Now let us examine the still more recent case of the Abingdon election, the determination of the select committee, with all the proceedings of the present parliament in that business. I will state them briefly, and shall afterwards desire the clerk to read from the Journals the more important passages. Mr. Bayley's petition was presented to this House on the 6th of December, 1774. It was confined to one single objection, the legal disability of the other candidate, no accusation of bribery or corruption, riots, unfair practices, or illegal votes, being exhibited. It stated, "that at the place of election, and before the taking of the poll, the mayor of the said borough and the other electors were publicly told, that as the other candidate, Mr. John Mayor, was then high sheriff of that county, he was incapable of being chosen a member to represent the said borough in this present parliament, and that all votes given for the said high sheriff would be thrown away; notwithstanding which, the mayor of the said borough did himself vote, and also received the votes of divers other persons for the said high sheriff; and that the said high sheriff hath returned himself as duly elected for the said borough, in manifest prejudice of the petitioner, who, being the only candidate capable of being elected, ought to have been returned." The facts, as stated in the petition, were admitted, as well as the numbers at the close of the poll, for Mr. Mayor 146; for Mr. Bayley only 116. The great question was, whether, if Mr. Mayor was not eligible, the votes for him were thrown away; and Mr. Bayley, who had not the majority of electors, should be declared duly elected? The Select Committee, on the 6th of March, 1775, reported, that neither Mr. Mayor, nor Mr. Bayley, was duly elected, and that the election was void. The House

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immediately directed a new writ to issue for Abingdon. The ministerial advocates, who insisted on Mr. Wilkes's legal incapacity, can scarcely find a case more exactly parallel. It is equalled only by the well known precedent of Mr. Walpole, and Mr. Taylor, in 1711. Yet the burgesses of Lynn were not insulted, by having a gentleman declared their representative, whom they never elected. The Abingdon case was of the most public notoriety. The returning officer, and all the electors of Abingdon, were publicly informed of Mr. Mayor's legal incapacity. Mr. Bayley polled near half the voters of that borough. His opposition however being not to a friend of liberty and the people, but having made the attack on a subaltern in the ministerial forces, he had little chance of being an adopted child of the House, or of a committee selected from the present majority.

The arbitrary resolution on our Journals, and the appointment of Mr. Luttrell, I consider as an absolute surrender of the constitution to the minister. The laws of the land are of no avail, when this House alone can make a new law, adapted to the caprice, violence, or injustice of every emergency, and when representation in parliament no longer depends upon the choice of the electors. The people of England may in vain assemble with the fond hope of effectually exercising their noblest franchise, if the object of their choice is really what he ought to be, an independent friend of liberty, superior to menace or corruption. The minister has found out a way to baffle them in all their proceedings. He may, on any pretence, however frivolous, procure an expulsion; and expulsion, we know, means incapacitation; so that during a long period of seven years, the favourite object of a country's choice may be kept out, and the nominee of a minister be declared to represent a populous county. Can there be a more solemn mockery of the rights of a free people?

While such arbitrary resolutions as those respecting the Middlesex elections remain on our Journals, I think the minister holds high the rod of vengeance over the head of every member of this House. He stands here with an uplifted arm, *sublimi flagello*, to punish the refractory, and almost every action of the majority seems to betray their being either swayed by the dastardly passion of fear, or corrupted by the mean principle of reward. We are governed by Solon's plan, *præmio et pœna*, as Cicero has summed it up in three words. Is a member obnoxious or unruly? Accuse him of a libel, or any other crime; then vote away your own privileges to get at him; and, before the cause can come to a trial by a jury of his countrymen on oath, examine two or three partial and well-instructed witnesses under no such sanction, and you may proceed immediately to expulsion. You then vote him incapable of being re-elected. The creature of the minister is received in his place, and declared a representative of the people. A House of Commons may in this manner be so garbled, as not to contain a single fair and honest representative, elected according to the law of the land.

The motion of expunging from our records the resolutions of which I complain, is, I know, considered by some gentlemen as a violent measure. The case, I think, requires the most spirited mode of redress. I wish as full atonement to the people as possible. The last parliament gave us an instance of expunging from our Journals what never ought to have been moved in this House, the thanks to a stupid Tory parson, of the rank Oxford breed, for a libel on the Revolution, and the present establishment, in a sermon preached on the anniversary of the merited death of the tyrant Charles I. [See Vol. 17, p. 312.] If so trifling a business as a foolish sermon, neither heard nor read by a score persons, called for so spirited a measure, can it be deemed improper or violent, when the rights of all the electors of the kingdom have been openly invaded, and the usurpation justified by gentlemen in the highest offices under the crown? The circumstance is truly alarming, and demands the utmost exertions of an honest zeal and generous ardour for the public weal.

I own, that I am not so nice and scrupulous about preserving every line of the immensity of the learned lumber in our Journals. They are become the mere registers of royal edicts, of turnpike roads, enclosures, and matters of private business. There are many whole pages disgraceful to the nation among our trivial, fond records. My heart bleeds, when I read all the unjust and inhuman resolutions against our fellow-subjects in America, the fleets and armies voted for the vain attempt of subduing the unconquerable spirit of liberty among the descendants of Englishmen. When I reflect on

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the subsequent proceedings, the barbarous and savage manner in which you have carried on the war, by attempting to starve thousands of industrious fishermen, and labouring poor, with their families, as well as the burning open and defenceless towns and villages; I wish, for the national humanity and honour, which formerly stood so high, that these black pages of our Journals, and every trace of the cruelties and horrors which followed, were obliterated from the records of this House, of this kingdom, of the human race.

In justice to the usurped and violated rights of this county, in a full sense of duty to all my brother electors at large, and to prevent the most fatal and pernicious precedent being ever used by a wicked and ill-designing minister to the destruction of the sacred right of election, of national freedom, and independency, I move, "That the Resolution of the House of the 17th of February, 1769, 'That 'John Wilkes, esq. having been in this ses- 'sion of parliament expelled this House, 'was, and is, incapable of being elected a 'member to serve in this present parlia- 'ment,' be expunged from the Journals of this House, as being subversive of the rights of the whole body of the electors of this kingdom."

Mr. Serjeant Glynn seconded the motion. Mr. Baldwin and Mr. Moysey spoke on the same side. There was no reply. The House divided.

Tellers.

Yeas	Mr. Thomas Townshend Mr. Alderman Hayley -	92
Noes	Mr. Charles Townshend, Mr. Onslow - - - -	186

So it passed in the negative.

Treaty between Great Britain and the Prince of Waldeck.] May 2. Lord North presented the following

Translation of a Treaty between his Majesty and the Prince of Waldeck, signed at Arolsen, the 20th of April, 1776.

Be it known to those whom it may concern, that his Majesty the king of Great Britain having judged proper to accept of a body of infantry of the troops of his most serene highness the reigning prince of Waldeck, to be employed in the service of Great Britain, the high contracting parties have given their orders on this subject to their respective minister, to wit, his Britannic Majesty to colonel William Faucitt, captain in the guards; and the most serene prince of Waldeck to his privy councillor, and president of the regency Frederick Lewis Wiepert de Zerbst; who, after the exchange of their respective full powers, have agreed upon the following articles:

Art. I. The said most serene prince yields to his Britannic Majesty a corps of infantry of 670 men, which shall be at the entire disposition of the King of Great Britain, to be employed in his service on the same footing as the other German troops, both in Europe and in North America. The regiment shall moreover be provided with two pieces of field artillery, with two bombardiers, twelve gunners and other attendants, and the train thereto belonging.

Art. II. The most serene prince engages to equip this corps completely, and that it shall be ready to march at the latest, on the 6th of May next. The said corps shall pass in review at the place of embarkation, before his Britannic Majesty's commissary.

Art. III. The most serene prince engages to furnish the recruits annually necessary. These recruits shall be delivered to his Britannic Majesty's commissary disciplined and completely equipped; his most serene highness will do his utmost for the whole to arrive at the place of embarkation at the time which his Majesty shall appoint.

Art. IV. His Majesty's service and the preservation of the troops requiring equally that the commanding officers and subalterns should be perfectly skilled in the service, his most serene highness will take proper care in the choice of them.

Art. V. The most serene prince engages to put this corps on the best footing possible; and no men shall be admitted therein but such as are fit for field-service, and acknowledged as such by his Britannic Majesty's commissary.

Art. VI. This corps shall be furnished with tents and all necessary equipage.

Art. VII. The King grants to this corps the ordinary and extraordinary pay, as well as all the advantages in forage, provision, winter-quarters and refreshments, &c. enjoyed by the royal troops; and the most serene prince engages to permit this corps to enjoy all the emoluments of pay which his Britannic Majesty allows them. The sick and wounded of the said corps shall be taken care of in the

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King's hospitals, and shall be treated in that respect, as the troops of his Britannic Majesty; and the wounded, not in a condition to serve, shall be transported into Europe, landed in some port on the Weser, and sent back to their own country at the King's expence.

ART. VIII. There shall be paid to his most serene highness as levy-money, for each foot soldier as well as gunner, thirty crowns banco, the crown to be reckoned at 53 soles of Holland, one half of this money shall be paid in three weeks after the signature of the treaty, and the other half in two months after the signature.

ART. IX. According to custom three wounded men shall be reckoned as one man killed, a man killed shall be paid for at the rate of the levy-money. If it should happen that any company of this corps should be wholly or in part ruined or destroyed, or that the pieces of artillery or other effects with which it might be furnished, should be lost by accident, his Majesty the king of Great Britain shall cause the expence of the necessary recruits to be paid, as also the value of the said field-pieces and effects, to re-establish this corps and its artillery immediately.

ART. X. The most serene prince reserves to himself the nomination to the vacant employments, as well as the administration of justice. His Britannic Majesty will give orders to the commander in chief of the army in which this corps shall serve, that he does not require from this corps any extraordinary services, or such as are beyond its proportion with the rest of the army; and when it shall serve with the English troops or other auxiliaries, the officers shall command, (as the military service requires of itself) according to their rank, and the seniority of their commissions, without making any distinction with regard to what corps the troops may belong, with which they shall serve in conjunction. This corps shall take the oath of fidelity to his Britannic Majesty, without prejudice to that which they have taken to their own sovereign.

ART. XI. All deserters from the Waldeck regiment shall be faithfully and immediately given up wherever they may be found, in the places dependent on his Britannic Majesty; and especially, it shall not be permitted, as far as is possible, that any of the subjects whatsoever of his most serene highness establish themselves in America without the consent of their sovereign.

§

ART. XII. The pay shall commence fifteen days before the march of this body of troops, and as soon as the troops shall have quitted their quarters, to repair to the place of their destination, all the expences of their march and transport shall be at the charge of his Britannic Majesty.

ART. XIII. His Britannic Majesty shall grant to the most serene prince, during all the time that this body of troops shall be in his Majesty's pay, an annual subsidy of 25,050 crowns banco: his Majesty shall cause notice of the determination of the said subsidy to be given a whole year before it shall cease to be paid, provided that such notice shall not be given till after the return of the troops into the dominions of his most serene highness.

This treaty shall be ratified by the high contracting parties, and the ratifications thereof shall be exchanged as soon as possible.

In testimony whereof, we the undersigned, by virtue of our full powers, have signed the present treaty, and have affixed thereto the seals of our arms. Done at Arolsen, this 20th of April, 1776.

WILLIAM FAUCITT. (L. S.)
FREDERICK LOUIS WIEPERT DE ZERBST. (L. S.)

The King's Message for a Vote of Credit.] Lord North presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty, relying on the experienced zeal and affection of his faithful Commons, and considering, that, during the present troubles in North America, emergencies may arise, which may be of the utmost importance, and be attended with the most dangerous consequences, if proper means should not be immediately applied to prevent or defeat them, is desirous that this House will enable him to defray any extraordinary expences incurred, or to be incurred, on account of military services, for the year 1776, and as the exigency of affairs may require. And his Majesty, having judged it expedient to issue his proclamation, in pursuance of an act of parliament, passed in the fourteenth year of his reign, for calling in the remainder of the deficient gold coin, doubts not but that his faithful Commons will enable him to make good the charges which shall be incurred in this service, and which cannot at this time be ascertained."

Referred to the Committee of Supply.

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Debate in the Lords on a Motion for General Howe's Dispatches on leaving Boston.] May 10. The Duke of *Manchester* rose, and apologized for having troubled the House relative to the American quarrel, after that matter had so repeatedly been debated by their lordships. His grace took a review of the great question, stating every event relative to it as it had arisen, and concluding from the whole that what he had so often urged, namely, that the quarrel was founded in injustice, pursued with wanton cruelty, and in the end threatened ruin to the empire, grew more and more apparent. In adverting to the language of administration last year, relative to the supposed want of bravery in the Americans, he said that bloody proofs had been given of their courage, and he referred their lordships for a confirmation of this assertion to such of the King's officers as were present at the actions of Lexington and Bunker's Hill. He laid it down as a position which experience had confirmed, that courage was neither peculiar to any clime nor to any race of people; that the times made the men; that the ethereal spark latent in every breast was to be brought forth by circumstance, and that whenever oppression and tyranny exerted their influence, it was natural for men to resist, and it rarely happened that those who fought for their liberties fought unsuccessfully. He begged their lordships to consider that since the Americans found themselves under the sad necessity of taking up arms, an apothecary's apprentice had displayed the skill and intrepidity of an experienced general, and had met death at the head of a victorious army with the firmness of a Roman. Others, equally unused to the military science, had made such marches, and performed such exploits as would have done honour to Hannibal. His grace reminded their lordships that Georgia, which had hitherto been thought friendly to administration, had now declared for America, and as that province took such a length of time to consider how she should act, her determination was most probably a decided one, and her opposition to this country would doubtless be the more violent. The Carolinians also were warm in the cause of America; in fact, there was the greatest appearance of unanimity throughout the American colonies. What success therefore could be expected in a campaign against a numerous and united people, inspired by the noblest of all principles,—a resolution to maintain their liberties, or die in their defence.—His grace drew a very different picture of our situation, and came directly to the subject matter of his motion, producing the London Gazette of Saturday last, and commenting, with great severity, on the unsatisfactory manner in which the account of general Howe's evacuating Boston was there given. The Gazette account, his grace observed, was an insult on the public; and instead of conveying that information which they had an undoubted right to be made acquainted with, only served to confound and mislead. He therefore thought it his duty, as a lord of parliament, to make a motion for the purpose of bringing to light the truth of the matter. The King had, on the opening of the session, asked the advice of parliament relative to the conduct of the American war; it was impossible for their lordships to give his Majesty the necessary advice, unless they had a perfect knowledge of the facts as they arose. The abandonment of Boston was a material fact; it was highly important that the manner of that abandonment should be ascertained; much depended upon the nature of it; was it evacuated voluntarily by general Howe, and were the ammunition, artillery, stores, &c. conveyed in safety from Boston, or was the general forced by the batteries of the provincials to make a precipitate retreat on board the ships? The Gazette mentioned it with as much indifference as the march of a regiment in time of peace from one country town to another, but conversation without doors, arising from the letters received by divers individuals, differed much from the tenor of the Gazette account. It was said, and he believed with some truth, that in the course of a night a battery was erected on Dorchester heights, so well contrived and so speedily finished, that it appeared as if produced by the wand of the enchanter! that a mortar was raised on this battery, and that the provincials were furnished with such experienced engineers that they played on the town of Boston, and that general Howe found himself obliged to form a convention with general Washington in order to preserve the troops by abandoning the town. That general Howe had, with that bravery, characteristic of his family, and in order to preserve the glory of the British name, endeavoured to dislodge the provincials previous to any treaty, but that a violent storm arose and

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rendered the attempt ineffectual. A storm, which, his grace remarked, was of infinite service to this country, as in all probability it saved the lives of many brave soldiers and officers who would have most probably fallen sacrifices at the shrine of British honour. The duke dwelt on the disgrace of having been obliged to abandon the place of arms, the spot destined for the commencement of the ensuing campaign, a town in which the major part of the artillery of this country was lodged, and in which, although it was but lately the residence of the British forces, the American flag was now triumphantly hoisted! Having enforced the indignity of our being driven from Boston, his grace urged the fatality that had attended all the measures taken by administration, who after expending such an immense portion of the public money, had now to begin the matter again, without being certain that they were in possession of a place to land the troops at when they arrived. Quebec, for ought they knew, might, ere this, have fallen into the hands of the provincials; and the very storm which prevented general Howe from carrying his attempt, to dislodge the provincials, into execution, might have been the means of destroying the troops which had abandoned Boston.—After shewing the design of government to soothe the minds of the public, as far as they might be affected with the account of the troops having quitted Boston, by inserting in the same Gazette an article, informing them that the King had ordered letters patent to be made out, appointing lord Howe and general Howe commissioners for restoring peace to America, his grace said, although he could not but see the reason of then inserting that article, he felt some pleasure from the perusal of it, as it seemed as if administration began to relax a little, and he did not doubt but they would, in proportion to the successes of the Americans, get step by step out of their errors; but possibly by the time they had found it right to conciliate matters, the Americans would then be in no mind to accept of any terms, or to have any further connection with a country which had shewn such an inclination to invade their rights and rob them of their property. His grace concluded with moving, "That an humble Address be presented to his Majesty, requesting his Majesty, that he will be graciously pleased to order the proper officers to lay before this House, copies of all dispatches received from general Howe and admiral Shuldham, since the first of March last, so far as do not relate to the future operations of the campaign."

The Earl of *Suffolk* said, that the cause of the quarrel with America, and the mode of conducting the war, had been so often discussed in parliament, that he trusted their lordships would excuse his following the noble duke through the large field of argument which he had pursued: he should therefore come immediately to the point, and give a positive negative to the motion, because it was impossible to comply with it consistently with the safety, the honour, and dignity of the state. The letters in question did not simply mention the fact of evacuating Boston, but contained such a mixture of matter, such a blended variety as well relative to what was past, as to the operations intended in future, that it would be highly improper for them to be made public. The London Gazette had given the fact relative to the evacuation of Boston: it was the business of that paper to state matters of fact, and in the present case it had been done as concisely as possible. He heartily wished he could agree to the motion, not so much for the sake of gratifying public curiosity as for the sake of doing justice to the very excellent character who commanded in America, and who had so properly managed the embarkation of the troops. As far as he could inform the noble duke, without indiscretion, he would; he told him therefore that it never was intended to commence the operations of the ensuing campaign at Boston; that orders had long been sent for general Howe to leave Boston, and to bring the troops away as soon as he thought proper; that in consequence of these orders the general had, as the Gazette mentioned, evacuated Boston on the 17th of March; that he had done it with safety to the troops, and had brought away all the ammunition and stores, all of the towns-people who were the friends of government, all their effects, and every thing likely to have been of service to the rebels: that in fact it was a mere shifting of a position, but that it had been executed with great success. Until this day his lordship said it had been usual with opposition to term the possession of Boston one of the most disgraceful circumstances that could possibly exist; they had repeatedly ridiculed the army being cooped up in that town, and now all of a sudden, when the troops left it, the tone was

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changed, and it was a disgrace to quit a place which it had hitherto been a disgrace to hold; and it was a matter dreadful to think of, that the flag of the rebels should be hoisted in a town which the British forces had thought no longer worth preserving, and had therefore voluntarily evacuated.—Much had fallen from the noble duke relative to the courage of the rebels; he had never questioned it; but he begged to know what extraordinary proofs the rebels had given of their courage—he knew of none. The noble duke had also said, their engineers were remarkably expert—that was to him equally a novelty. He would tell the House what had been the effect of the expertness of those who were in the battery at Dorchester Heights. They had fired into the town, and they had wounded six people, of whom two were since dead of their wounds: that was the great effect of their expertness! The noble duke had said a great deal relative to the dispiritedness of our troops: general Howe wrote in a very different stile of them; he by no means talked of their being dispirited, but on the contrary gave administration hopes that they should soon hear of their doing something effectual for the service of their country. The troops had evacuated Boston after having made every possible use of the town; they had left it voluntarily, and without any convention between the king's and the rebel general. They were now gone to effect a matter of great consequence, to put Halifax in a state of safety.

The Marquis of *Rockingham* observed that the noble lord's account of the manner of General Howe's bringing the troops from Boston, was by no means satisfactory. He re-urged many of the arguments of the noble mover, and said, that according to the system of cruelty laid down by administration, general Howe ought to have burnt the town of Boston when he quitted it, and that if there was no convention between him and general Washington, he was answerable to government for having acted contrary to their system of the war, in not burning the town. The marquis made a variety of pointed remarks on the measures of government, and said the Gazette of Saturday last was ridiculous as well as improbable. That the following the fiction relative to the evacuation of Boston, with the article appointing lord and general Howe commissioners for restoring peace to America, was so palpably calculated to amuse the reader, that it was impossible to peruse it with a serious countenance. His lordship urged the folly of deceiving the public, as well as the criminality of such conduct, and most heartily seconded the duke's motion.

The Earl of *Effingham* contended, that it was impossible for the evacuation of Boston to have been effected without a convention, observing at the same time, that he thought general Howe merited great praise for having preserved the troops at any rate. His lordship had conversed with several officers, and they all agreed with him in opinion, that it was impossible under the cannonade of the provincials from Dorchester Heights to have embarked the troops without most dreadful slaughter; he therefore believed, that there was an article of capitulation between the two generals, otherwise why not burn the town, which might have been so much more easily effected than any other town, as, while in possession of it, the houses might have been filled with combustibles. He asked whether the lords in office could say, general Howe and the troops were now in Halifax? How were they sure the wind and waves, which no administration could command, had not sent them to Antigua? and even if they had arrived at Halifax, he feared there was not time to fortify it. It was well known to be a new built town, the houses only of wood, and the fortification slight. Besides, 15,000 of the provincial army might have marched there from Boston after general Howe had quitted that town, and have possessed themselves of Halifax before the transports with our troops arrived. And if that were not the case, where was the provision for our troops, when in Halifax? He believed we should still be obliged to feed them from Leadenhall market.—His lordship declared he was a warm advocate for the motion.

The Earl of *Shelburne* said he had often given the House his opinion that the war with America was unnatural, oppressive, and big with ruin to both countries. He had now only to say a few words in support of a motion which he thought highly necessary. After observing on the various blunders and contradictory orders of government respecting sir Peter Parker's fleet, and other matters, he urged the cruelty of taxing the subjects here, merely for the purpose of carrying on a destructive war. He said he knew of no luxury in finance but the articles of foreign im-

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portation; that the new taxes on cards, dice, newspapers, &c. were taxes on industry; taxes which the nation would feel to be injurious and oppressive, notwithstanding every gloss thrown over them by a collection of plausible words. He adverted further to the minister's speech in the other House on the opening of the Budget, and asserted that Dr. Price's account of our real situation in point of national wealth, was just and accurate. With regard to putting Halifax into a state of defence, he asked, why at this time it needed such a measure? Why was it not in a state of defence before? His lordship laughed at the form of words used by a noble lord in office, who had said that general Howe only "shifted a position," and shewed that the description of the King's troops evacuating Boston by no means agreed with the common use of that phrase. After pointing out the want of judgment conspicuous in administration, his lordship declared he entirely approved of the motion.

Lord *Weymouth* took advantage of the arguments of opposition, by saying that it told exceedingly in favour of general Howe that a noble lord bred to the military profession wondered at his having been able to bring off the troops without loss; and that another lord had said the embarkation was managed as easily as the changing of quarters of a regiment stationed in time of peace in a country town in England. His lordship gave his negative to the motion, declaring he thought it highly improper.

Lord *Ravensworth* insisted, that the public had a right to full information relative to every matter of fact, and cited various precedents in the Secretaryship of lord Chatham, to shew it was always customary to publish the entire letters sent from the commanders on such occasions in the London Gazette. His lordship declared he thought it right to keep the intentions of government, as to any future matters, a secret; he therefore moved that the words "so far as do not relate to the intended operations of the present campaign," be added to the motion, by way of amendment.

The Earl of *Suffolk* objected equally to the amendments as to the original motion: his lordship explained what he had said relative to the putting Halifax into a state of defence, by declaring it was already in a state of defence, but not so effectually as general Howe would render it.

The Duke of *Manchester*, after enlarging upon the impropriety of refusing parliament the necessary information, thanked the noble lord for his amendment, declaring it was indifferent to him which way the motion was put. His grace then read some extracts of a letter from Philadelphia, giving an account of the strength, unanimity, and firmness of the Americans.

The Duke of *Bolton* spoke in support of the motion, as amended. His grace remarked, that we had furnished America with the ammunition they now used against us; nay, the very mortar which they fired at Dorchester Heights was taken by the Americans in a vessel sent by the Board of Ordnance to Boston. His grace asked how that vessel came to be dispatched from hence unarmed, and was severe on administration respecting that particular.

The Earl of *Sandwich* explained the matter, by saying that the vessel on board of which the mortar was sent to America, sailed under convoy of a man of war; that she was separated in a gale of wind, and so became a capture to the rebels. His lordship begged it might be remembered that admiral Shuldham deserved his share of the praise due on the safe embarkation of the troops on the evacuation of Boston, as he did not doubt but that the admiral's proper disposition of the transports favoured the embarkation, which in all probability was concerted and effected by the concurring advice and care of the land and sea commander.

The House divided: Contents 27; Noncontents 64.

Debate in the Commons on Mr. Sawbridge's Motion for continuing America upon the same footing of giving and granting Money as Ireland.] May 10. Mr. *Sawbridge* (Lord Mayor) moved, "That his Majesty's colonies in America be continued upon the same footing of giving and granting their money, as his Majesty's subjects in Ireland are, by their own representatives." He said, there was no necessity for going into a long discussion of the state of America, or the consequences which might be expected from our obstinately persisting to coerce them, which he ventured to foretel we should never be able to effect. Powerful as those motives might appear to persons who measured right only by the probable success of effecting wrong; the equity and justice of the English nation, he hoped, would be called forth by reasons of a different na-

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ture. He trusted that sentiment would effect what nothing but short-sighted interest could obstruct; and that every part of this wide-extended empire would experience the happy consequences of a mild, free, and benign government. He condemned the conduct of administration in strong terms. He urged them either to accept of preliminaries for peace with America, from the wisdom and industry of individuals in the legislature, out of office, or to substitute other preliminaries of their own framing, which should be more just and salutary. He believed, that even the sanguine abettors of government now gave up all thoughts of exacting a revenue from British America without a parliamentary representation. His constituents had recommended to him this proposition; it coincided with his own sentiments; and it was therefore with the utmost satisfaction he stood up to acquit himself of the first duty of a delegate in parliament, the conveying the wishes of those by whose suffrages he had been deputed.

Mr. Alderman *Oliver* seconded the motion, and said, if the present opportunity of conciliating our disputes with America was neglected, we should never have another. He recommended coming to some resolution which might convince the people of that country, that we did not mean to make slaves of them, but hold them as peaceful, useful, and obedient subjects.

Mr. *Vyner* was not for offering any conditions of peace while an American had a musket on his shoulder.

Mr. *Temple Luttrell* called on government to act in a manner consistent with the responsibility of their stations. The lives of their countrymen, the lives perhaps of their dearest friends, the safety of the empire, depended upon their immediate resolves. Are our ministers bent on war without a possible termination? or on what issue would they wish to rest the conflict between the two nations? Would they chuse the full extent of the field against a peopled continent of that immense magnitude? or rather offer to contract their battle, as was done by our Edward the 3rd in the French wars, to a few score of select warriors; and they themselves in person demand the lists against an equal number of the American congress? Perhaps, upon mature consideration, they had best decide the superiority in the same manner that the natives of Rome did against the Albans: for, if even two of the ministerial champions should fall before one of their three antagonists, there may still be left a third who, when it comes to a running fight, shall outvictory the last of the Horatii. It might, probably, in a few days, be recommended to both Houses, in a certain speech, to go down into their respective counties, and inculcate harmony and good order; for his part, he declared, that he should consider acquiescence under the present measures of a most infernal administration, as unworthy a British soul, and highly criminal.

Mr. *Rigby* said, that he should, till the colonists submitted, acquit himself of his duty, by openly avowing a firm perseverance in the same hostile measures which he had supported from the beginning.

Lord *Irnham* exceedingly disapproved of the treatment the first magistrate of the greatest city in the world was now receiving from administration; at a time too, when he was delivering the sentiments of the better part of the subjects of this commercial empire; who in a struggle for illegal and unattainable claims, were not inclined madly to risk every thing that a wise people could hold essential to renown or prosperity. However defective the constitution of Ireland might be in some respects, yet the power of taxing themselves was sufficiently perfect for a groundwork of conciliation with America, if immediately proffered.

Mr. *Burke* took a review of the measures pursued by administration since the commencement of the session. He called upon lord North to tell a single act that had been done within that period. His lordship, it was true, might say, that he had voted ten millions out of the pockets of the people. He might boast that he had taken 20,000 Germans into pay, and turned our British transport vessels into German hospitals. He might desire the representatives of the nation to tell their constituents, that in return for such lavish grants, new taxes had been laid on them, and a 4*s.* land-tax rendered perpetual. He might inform them that America had 100,000 men in arms; that every governor from Halifax to Florida was driven to seek protection on board his Majesty's ships of war; and to conclude the narrative, he might instruct the representatives of the people to carry a sufficient number of Gazettes down to the country, and when questioned about the state of affairs in America, desire them to peruse those

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oracles of truth, and launch forth in the highest encomiums on the military conduct of general Howe, and the bravery of the troops under his command. He next reprehended the minister on his conduct respecting the Nova Scotia duties; and said, that favourite measure from which such salutary consequences were expected, was suffered to come to nothing, though he pledged himself to the House, that he would bring in a Bill framed on the resolutions of the committee appointed to take into consideration the petition from the speaker and house of assembly of that province. He next turned to the commission granted to lord Howe and his brother, for restoring peace and granting pardons to the people of America, and said, that those gentlemen, however high they stood in respect to their respective professions, were by no means calculated for carrying into execution the professed objects of that commission; but allowing that they were ever so able, he contended, that the King could not grant them a single power which would enable them to treat with the provincials. The idea was as absurd as it was delusive. The question was taxation. Could they give it up? The King himself had no such power, he could not therefore delegate it. He might grant pardons, so might the admiral and general, and that was all. And he doubted not, but they would grant pardons as soon as they were asked; but who were to sue for them was more than he could venture to foretel.

Mr. *Hartley*. The motion which has been made to you to-day, comes with the best recommendation that any proposition can come with to this House. I mean the recommendation of that great and most respectable body the city of London. The worthy magistrate who has made it, has supported it so ably, that there is very little occasion to detain you long upon the subject. The friends to peace and to America have been incessant in their endeavours to suggest every possible chance of accommodation. But administration continues deaf to every entreaty. We must, I fear, content ourselves, without prospect of success, only to lay in our continual protests against the present vindictive measures. My hon. friend near me (Mr. Burke) has in this session offered to you a proposition, similar to the present, under another shape, viz. that of his Conciliatory Bill, which you have rejected. I myself did trouble the House likewise, with some propositions suited to the very terms declared by administration at the opening of the session; viz. that the colonies should be replaced to their situation in 1763, if the honour of government could be sheltered in the retreat. For the sake of peace, therefore, I did propose a test of compromise, by an acceptance on the part of the colonists, of an act of parliament, which should lay the foundation for the extirpation of the horrid custom of slavery in the new world. No one can think it less expedient than I do, for a British legislature, at the distance of 3,000 miles, to interfere in the internal police of America, in which we must at the best be ignorant, and of which our only information must come through partial hands. My motion therefore was, not with any view to be drawn into example, but simply as an Act of compromise and reconciliation; and as far as it was a legislative Act, it was still to have been applied in correcting the laws of slavery in America, which I considered as repugnant to the laws of the realm of England, and to the fundamentals of our constitution. Such a compromise would at the same time have saved the national honour. I likewise took the liberty a second time in this session, to suggest to the House the proposition of putting the colonies upon the footing of Ireland, with regard to the right of giving and granting their own money, and to give them security that their charters should be maintained inviolable. The proposition of putting them upon the footing of Ireland, as expressed in the motion of this day, has only respect to that one article of being masters of their own grants of money, in answer to a kind of objection which has been started, that if we had not a right of taxing them, such an exemption would constitute an *imperium in imperio*. The case of Ireland is therefore adduced as an argument and example in point. Unhappily for us, Sir, all these propositions have been rejected, upon the principle of requiring unconditional submission, previous to any treaty or proposition for reconciliation.—If ministry refuse their assent to the proposition, which they are now called upon to accept as conformable to the spirit and substance of lord Hillsborough's letter; it will be a formal declaration to America, that they must never trust to ministerial promises, but look to themselves for safety.

The House divided: Yeas 33; Noes 115.

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Debate in the Commons on General Conway's Motion for the Instructions given to Lord and General Howe, respecting the King's American Subjects now in Arms.]

May 22. General *Conway*. I am to apologize to the House for the introduction of a motion at this late period of the session; but the alarming and dreadful situation of this country compels me to trouble you. The House knows I am not professedly a motion maker, but content myself with that line of humble duty in which my abilities, situation, and temper, necessarily limit my conduct. What shall I say, Sir, there is but one moment between this great country and destruction! I wish to seize it; the urgencies of this crisis will be my apology to the House. I am no partizan, nor indiscriminate opposer of government, except in this point. The Gazette informs me, that commissioners (lord Howe and his brother) are to be delegated with powers to treat with America for peace. I am not to learn that with enemies in general, the King is the sole arbiter of peace and war; but with our fellow subjects, where privileges are to be granted or concessions made, I doubt whether it can be done without the previous consent of parliament. It may be objected that the King may treat and you afterwards ratify what is done: but are you certain that America will trust you? Why not adopt the surer road? Specify the terms upon which you will treat: if they are fair and constitutional, and the Americans refuse to accommodate differences, you will thereby dissolve every legal combination by putting yourselves in the right. Besides, methinks there is somewhat due to this House, some information, some attention usual in those cases. Will you give up taxation entirely? One noble lord in the cabinet says, yes; another no. Is this House agreed upon it? If you are, specify it fairly and openly; if not, in God's name, how can lord Howe treat upon that essential point, where from the disunion of ministers and difference of opinion in this House nothing certain can be offered. Why, Sir, was not the earl of Hillsborough's Letter a solemn renunciation of the right of taxation? Was not his Majesty's name pledged for the performance? Yes. Was it ratified on their part? Did not all the governors of America, did not lord Bottetourt say that the ministers were not immortal, but that to his dying day he should consider Great Britain as pledged to relinquish it, and this to the assembly of Virginia; and the same language held also to all the other assemblies in America. I know it has been said that those who spoke and wrote against taxation in America, were a faction consisting of such persons as were disaffected to government; but I have sufficient reason to convince me that they gave the sentiments of the people of America in general. I remember particularly to have seen about that time a manuscript written by the late governor of Massachusetts Bay, governor Hutchinson I mean, who, I believe, will not be suspected of being unfriendly to government; containing very sensible and unanswerable arguments again passing the Stamp-Act, and which shewed, to his honour, that he was a friend to his country as well as to government. In the earl of Hillsborough's letter, if I understand the English language; if I understand common sense; there is the strongest renunciation of the right of taxation. But America was deceived; and how all these troubles arose afterwards the present ministers can tell you. The application of this transaction is, that they will not be duped by administration again; that no other terms than those proposed and specified by parliament, will be considered as the grounds of peace by America.

I have the best authority for what I say, "Nothing but terms held out by parliament will do." The noble lord (North) held in this House the same language last February upon his conciliatory proposition: but if you are still agreed that nothing but unconditional submission will do, I have no more to say;—throw away the scabbard!—but I hope it is not so;—the wisest of men, the wisest of nations have treated, have receded, granted the concessions asked by rebellious subjects. What did the Romans do in the Social War? What did Philip of Spain? Was he not obliged at last to accede to their terms? What did Louis 14 offer marshal Turenne when in actual rebellion? What instances in your own civil wars? What does Whitelocke tell you of the propositions made by the king? Don't tell me of the late Scotch rebellion. Is there no difference? Could you treat with them? Could you divide the crown or give it up? Could you have had two kings of Brentford upon the throne? The comparison is ridiculous, and unworthy of a serious refutation. But are not these rebels of a different kind? Who is there among you,

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that would not combat any power upon earth, invading in the same manner your privileges and rights?—men defending against the arm of power, what God and nature have given them, and no human power can justly wrest from them; the glorious privileges of the Revolution; those Whig principles which would in other days have excited this country to universal opposition. There is some difference, I hope, to be made; some allowance for men engaged in such a cause. The language of administration, of unconditional submission, driven out as you are from every port in America, does not become you; it is the language of vengeance and not of sense; of violence, not of reason; of passion, and not of common sense. The idea of foreign danger may be thought visionary; but are not France and Spain arming? Could they find a better opportunity? Would it be their interest that you should conquer America? How would such a force as you must have affect their fears? Is not the French ministry changed? Is not the queen thought to have great influence in that court, and in the new arrangement? Who is her great friend? M. Choiseul. Who is the avowed enemy of this country? M. Choiseul. Who is the lover of war? M. Choiseul. The assurances of the pacific intentions of those powers, are told to you;—who made them? —the last or the present administration? What reliance can you have upon them? Why, Sir, I know a brave man, and as good an officer as any in France; he held the same language to me: and yet this very gentleman, M. D'Ennery, is now sent out with an additional force to the French West-India islands.—I move, "That an humble Address be presented to his Majesty, praying that his Majesty would be graciously pleased to communicate to this House so much of the Instructions given to the lord viscount Howe and general Howe, his Majesty's commissioners, as relates to the Conditions on which it is proposed to make peace with, or receive the Submissions of, his Majesty's American subjects now in arms."

Lord *John Cavendish* spoke in high commendation of lord and general Howe, as officers, but said they have now got a character which they are intire strangers to, the filling of which, even if the nature of the business would permit, he much doubted whether they were equal to; however, he would never find fault with any means that would settle the realm in peace. He owned he doubted that this could not be done without the interposition of parliament; and therefore must be of opinion that the instructions ought to be communicated.

Lord *North* did not object to the motion on account of the late period of the session. His objection was direct. He would oppose the communication of any instructions previous to their execution, unless there was something special in the case. He never was of opinion that no rebels were to be treated with; his opinion always was, that if Great Britain was likely to draw any benefits from any treaty, he could see no objection or difference whether it was with a foreign enemy or with rebels, with armed rebels or with those who had laid down their arms. Those who think we had better give up our rights; because some rival state may interpose against our maintaining them, think meaner of our own strength and power than I feel it to be; and more unjustly of such foreign states than we have any reason to do. Taking the proposition in general, we ought always to be upon our guard against our rivals, and so far to fear them; but in this case there is no fear. Although he cannot think, and wonders how any person who has ever been entrusted to act with the powers of government can think, that the modes by which any commissioner may be instructed to carry any powers into execution, that the secret situation of persons and things, that the springs and motives should be made public; yet he has no objection to the laying the powers themselves before parliament and the public. The act of parliament doth in general prescribe what they must be, and the commission gives such only as that act authorizes.

Mr. *Burke*. The noble lord has not only refused to give the instructions, but also to give any reason why he will not. The noble lord made, indeed, an exception in his refusal, and did allow there might be a special case in which such previous communication might be requisite: but if the special case, as stated by the hon. mover, is not that special case, his lordship's candour might have spared itself the trouble of that exception, for there never can be any special case wherein such communication can be proper. I do justice, however, to the principles of the noble lord. In spite of all violence which he is drawn to do to them, he has again relapsed into his natural bias towards justice and humanity.

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He is willing to give up taxation: he has no objection to treating, or at least to conferring with rebels; with rebels without exception, whether with arms in their hands, or after they laid down their arms. Although he will not tell this House what the terms to be offered or accepted are, yet to talk of conferring without some instructions on what terms the persons conferring are to meet, is downright nonsense. Some conditions are therefore in embryo, at least: but then how is this to be reconciled to the doctrine of another noble lord, who, it is said, has the lead in these American measures? He can admit no preliminary but unconditional submission. Between the jarring opinions of ministers themselves, the object of the war, or the ends of peace, have never yet been clearly fixed. In the very session in which unconditional submission seemed to predominate and become the fixed object of the war; in the very session, in which, after many puzzling and perplexed clashings, a revenue seemed to be the end aimed at; in that very session, this ministry have sent out commissioners to give up taxation and all expectation of a revenue, and to make peace without any notion of conditions. So far from expecting that the rebels should lay down their arms, they are to treat; I will not use the word 'confer' (I detest all quibbles unworthy the lowest petty-fogging attorney) they are to treat with rebels, whether they lay down their arms, or meet them in arms and array of arms. He then, with much wit, described these double commissioners warring and treating, offering pardons both general and special when they were beat, and plundering and carrying fire and devastation into those quarters where they were to give peace.

Mr. *Vyner* declared, that the landed gentlemen came into these measures, in support of the sovereignty of the realm, and in expectation of a revenue from America, in aid of the common burthen. The refusal of which, was the first step to revolt in the Americans: and the establishing of which, was the determined object of the war. That in these expectations, they had cheerfully come into the granting every supply which had been demanded; but he now found they had been amused; that they had been led into a fine scrape; for all these were now to be given up without consulting parliament. That it was now time to be explicit; it was now time to declare, that they could not go on any farther with such ministers, unless they abided by the plan which these ministers first held out to them, and on which the country gentlemen joined them.

Lord *North* said, taxation was not to be given up: it was to be enforced: but whether at present, or hereafter, was a point of policy which the commissioners would learn, by sounding the people upon the spot.

Mr. *Fox*. According to the noble lord's explanation, lord Howe and his brother are to be sent out as spies, not as commissioners. On the point of taxation, the ingenuity of the noble lord has now reconciled what gentlemen might think absolute contradiction. Parliament, on one hand, pledged by lord Hillsborough, and the royal word on the other were pledged by lord Botetort from the seat of government, that no future tax shall be levied; and this promise is to be kept sacred. Yet, the country gentlemen are promised a revenue. The tea-duty, the only tax you have, makes no revenue. Yet a revenue must be had from America; and if the Americans will not of themselves give a revenue, we must tax them, says that sweet essence of wisdom the conciliatory motion. Lord Hillsborough's letter and lord Botetort's speech, have promised, even by a sacred word, that we never shall lay any future taxes. But a revenue must be had, and we must tax. The object therefore of the war is the tea-tax, which neither does or ever will raise any revenue. But it is a tax, and therefore according to the noble lord's logic, we tax them. But it is no new tax, and therefore we keep our word. There cannot be a tax without a revenue, and therefore the country gentlemen must be satisfied, for if it does not raise so much as they expect, that is not the noble lord's fault. And upon this curious bead-roll of syllogisms, we are to prosecute a ruinous war or to make a shameful peace. He then ridiculed the inconsistency of the two plans of war and treaty; and the difference of rebellions.

After some further debate, in which Mr. Adam, Mr. T. Townshend, lord G. Germaine, colonel Barré, and governor Johnstone bore a part, the House divided: For the motion 85; Against it 171.

Mr. Hartley's Motion for an Address to the King not to prorogue the Parliament.] May 23. Mr. *Hartley* moved an Address to his Majesty. He said that he wished

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to leave upon record a testimony for himself and for his friends, of their apprehensions for the important events of this year, and of their readiness to sacrifice the personal considerations of rural amusements and relaxations, to the momentous concerns of this country and America. He thought that the unlimited confidence, which the House had put in ministers, without any materials of information laid before them, would alienate the Americans from the hopes of reconciliation. He therefore wished to shew them, that they still had some friends left, who thought no anxiety or labour too much, to take the least chance of improving any favourable event that might happen, towards the restoration of peace. He moved, "That an humble Address be presented to his Majesty, setting forth, that his faithful Commons, in compliance with the sentiments and recommendations of his Majesty's most gracious Speech at the opening of the present session, have been induced to support his Majesty with very great and expensive armaments both by sea and land, together with many powers of coercion and punishment of such of his Majesty's subjects in America as are in a state of resistance to his authority: that his faithful Commons, reposing themselves implicitly upon the wisdom and moderation of his Majesty's counsels, and without any communication of the detail of matters and transactions in America, either from the governors of the several provinces, or the commanders of his Majesty's forces, or any communication of authentic papers from any of the public offices corresponding with the plantations, which might be explanatory of the views, tempers, forces, connections, public proceedings, number, and disposition, of the persons discontented and in arms, have adopted measures, in general confidence of the recommendation of his Majesty's most gracious Speech from the throne, without specific materials of information, his Majesty not having thought proper to refer any such to this House: that his faithful Commons, having reposed a boundless trust in the wisdom of his Majesty's counsels, think themselves so much the more bound to their constituents, and to their country, to watch that the powers which they have so entrusted to his Majesty, may not be ignorantly or destructively applied by his ministers; and as the events of this anxious and important year may probably be decisive to the future union and well-being of all his Majesty's dominions; and as the advice of parliament at the shortest notice may be of the utmost importance to the salvation of these kingdoms; and as a continued series of unsuccessful and unpromised events have attended the execution of his Majesty's counsels for many months past, from the loss of Ticonderoga to the retreat of his Majesty's forces from Boston, which seem to betray either ignorance or concealment of the operating causes, which have produced such unexpected events, and which have occasioned a general disquietude and alarm; that his faithful Commons humbly entreat that his Majesty will be graciously pleased not to prorogue the parliament, but that he will suffer them to continue sitting, by adjournment, during the summer, that they may be ready to receive from time to time such information of the transactions in America as his Majesty shall think proper to lay before them, to watch and provide for every important event at the earliest moment."

It passed in the negative.

The Speaker's Speech to the King on presenting the Money Bill.] May 23. The King came to the House of Peers. Before his Majesty passed the Bills,

The *Speaker* addressed him to the following purport:

"May it please your Majesty;

"Your Majesty's faithful Commons, have in the present session, passed several wise, salutary, and necessary laws; particularly the law for prohibiting all trade and commerce with America, the law for the more speedy and effectual manning your Majesty's navy, and the law for establishing a national militia. Your Majesty's faithful Commons, with equal assiduity and attention, have performed every duty, through a long and severe session. The business of America has engrossed the greatest part of their attention. Nothing has been wanting on their part to strengthen the hands of government; they have voted the most full and ample supplies. Convinced of the justice and necessity of securing the subordinate dependence of America, they have cheerfully co-operated in every proposition for securing the duty of your Majesty's subjects in that country, and their obedience to the legislative power of Great Britain. Your Majesty's faithful Commons, whatever measures may have been taken for the security of both, by a proper exertion of the strength of

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this country, do not wish for conquest, but for peace and conciliation. And, trusting to your Majesty's parental attention to the interests of every part of the empire, they have a full reliance on your Majesty's wisdom and goodness, that the present disputes with America will be happily terminated; and peace established on so firm a basis, as to prevent a return of the same evil in times to come."

The King's Speech at the Close of the Session.] His Majesty put an end to the Session with the following Speech:

"My Lords and Gentlemen;

"The conclusion of the public business, and the advanced season of the year, make it proper for me to give you some recess; but I cannot put an end to this session without assuring you, that the fresh instances of your affectionate attachment to me, and of your steady attention and adherence to the true interests of your country, which you have shewn throughout the whole course of your important deliberations, afford me the highest satisfaction.

"No alteration has happened in the state of foreign affairs since your meeting; and it is with pleasure I inform you, that the assurances which I have received of the dispositions of the several powers in Europe, promise a continuance of the general tranquillity.

"Gentlemen of the House of Commons,

"It was with real regret and concern that I found myself under the necessity of asking of my faithful Commons any extraordinary supplies: I thank you for the readiness and dispatch with which they have been granted; and they are the more acceptable to me, as you have shewn, in the manner of raising them, an equal regard to the exigencies of the service, and the ease of my people; and you may be assured, that the confidence you repose in me shall be used with proper frugality, and applied only to the purposes for which it was intended.

"My Lords and Gentlemen,

"We are engaged in a great national cause, the prosecution of which must inevitably be attended with many difficulties, and much expence: but when we consider that the essential rights and interests of the whole empire are deeply concerned in the issue of it, and can have no safety or security but in that constitutional subordination for which we are contending, I am convinced that you will not think any price too high for the preservation of such objects.

"I will still entertain a hope that my rebellious subjects may be awakened to a sense of their errors, and that, by a voluntary return to their duty, they will justify me in bringing about the favourite wish of my heart, the restoration of harmony and the re-establishment of order and happiness in every part of my dominions. But if a due submission should not be obtained from such motives and such dispositions on their part, I trust that I shall be able, under the blessings of Providence, to effectuate it by a full exertion of the great force with which you have entrusted me."

The Parliament was then prorogued to the 1st of August; and was afterwards further prorogued to the 31st of October.

THIRD SESSION OF THE FOURTEENTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] October 31, 1776. The King came to the House of Peers and opened the Session with the following Speech to both Houses:

"My Lords, and Gentlemen,

"Nothing could have afforded me so much satisfaction, as to have been able to inform you, at the opening of this session, that the troubles which have so long distracted my colonies in North America were at an end; and that my unhappy people, recovered from their delusion, had delivered themselves from the oppression of their leaders, and returned to their duty. But so daring and desperate is the spirit of those leaders, whose object has always been dominion and power, that they have now openly renounced all allegiance to the crown, and all political connection with this country: they have rejected, with circumstances of indignity and insult, the means of conciliation held out to them under the authority of our commission; and have presumed to set up their rebellious confederacies for independent states. If their treason be suffered to take root, much mischief must grow from it, to the safety of my loyal colonies, to the commerce of my kingdoms, and indeed to the present system of all Europe. One great advantage, however, will be derived from the object of the rebels being openly avowed, and clearly understood; we shall

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have unanimity at home, founded in the general conviction of the justice and necessity of our measures.

"I am happy to inform you, that, by the blessing of Divine Providence, on the good conduct and valour of my officers and forces by sea and land, and on the zeal and bravery of the auxiliary troops in my service, Canada is recovered; and although, from unavoidable delays, the operations at New York could not begin before the month of August, the success in that province has been so important as to give the strongest hopes of the most decisive good consequences: but, notwithstanding this fair prospect, we must, at all events, prepare for another campaign.

"I continue to receive assurances of amity from the several courts of Europe; and am using my utmost endeavours to conciliate unhappy differences between two neighbouring powers; and I still hope, that all misunderstandings may be removed, and Europe continue to enjoy the inestimable blessings of peace: I think nevertheless that, in the present situation of affairs, it is expedient that we should be in a respectable state of defence at home.

"Gentlemen of the House of Commons,

"I will order the Estimates for the ensuing year to be laid before you. It is matter of real concern to me, that the important considerations which I have stated to you, must necessarily be followed by great expence: I doubt not, however, but that my faithful Commons will readily and cheerfully grant me such supplies as the maintenance of the honour of my crown, the vindication of the just rights of parliament, and the public welfare, should be found to require.

"My Lords, and Gentlemen,

"In this arduous contest I can have no other object but to promote the true interests of all my subjects. No people ever enjoyed more happiness, or lived under a milder government, than those now revolted provinces: the improvements in every art, of which they boast, declare it: their numbers, their wealth, their strength by sea and land, which they think sufficient to enable them to make head against the whole power of the mother country, are irrefragable proofs of it. My desire is to restore to them the blessings of law and liberty, equally enjoyed by every British subject, which they have fatally and desperately exchanged for all the calamities of war, and the arbitrary tyranny of their chiefs."

The Lords' Address of Thanks.] His Majesty having retired,

The Earl of *Carlisle* said, that he rose with great reluctance, knowing his own incapacity either to take the lead on so important an occasion, or to pay that just tribute of thanks due to the gracious speech from the throne; a speech, he would venture to affirm, replete with the strongest marks of sound policy, royal wisdom, and paternal tenderness, for the prosperity, happiness, and freedom of all his subjects. His lordship observed, that the nation had been brought into its present critical situation by the arts of designing, ambitious men; and he could not, while he lamented the influence the leaders in America had over their infatuated brethren, help remarking, that the daring and open hostilities, which preceded their declaration of independency, would never have happened, if that disobedient, traitorous spirit had not been nourished, and strengthened by a set of men in this country, who, deserting its interests, shamefully sacrificed them to their personal views of faction and ambition. He said, the ground taken on this occasion, became dangerous in proportion to its plausibility; for it was, indeed, hardly conceivable, that the people of America, who owed so many obligations to the parent state, would ever cancel them all, without any real provocation: but the event had proved the contrary; and as the noble lords on the other side the House founded their opposition on the idea, that America never did aim at independency, he trusted now that the question had totally altered its nature, the consequence of such alteration would be an unanimity as complete, as he was assured it would be decisive, in restoring peace to this distracted and divided empire. His lordship commented on several parts of the speech, particularly on the zeal and bravery of the King's troops, the recovery of Canada, and the late success on Long Island. He spoke with warmth upon the insolence of the rebels in refusing to treat with the commissioners appointed by his Majesty. He bestowed several harsh expressions on the behaviour of the Congress; spoke of the necessity of vigorously exerting ourselves in the course of the ensuing campaign, in order to repair the repeated injuries this country had received from its unnatural children; and concluded

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with assuring their lordships, that he did not entertain a doubt but that ample reparation would be obtained, and that the whole would terminate to the mutual happiness and advantage of both countries. His lordship then moved an Address in the usual form.

Earl *Fauconbergh* seconded the motion. His lordship observed, that the question between Great Britain and America was changed; the original one, relative to taxation, no longer existing. The alternative was now, whether we should for ever relinquish America, and submit to the consequences which must inevitably ensue from our giving up all future pretensions to a superiority over that country? or, considering the great and important stake for which we are contending, make one vigorous effort to bring its deluded inhabitants back to a proper sense of their duty? He was for the latter.

The Marquis of *Rockingham* condemned, in strong terms, the contents of the Speech. He remarked on the following passage: "No people ever enjoyed greater happiness, or lived under a milder government, than those now revolted provinces, the improvements in every art of which they boast declared it; their number, their wealth, their strength by sea and land, which they think sufficient to make head against the whole power of the mother country, are irrefragable proofs of it." This passage, his lordship contended, was a virtual censure of the present administration, and pointed out the impolicy of forcing such a people into rebellion. It proved, beyond question, the great advantages of a mild government, and the evils resulting from a cruel and oppressive one. He presumed, that ministers would hardly pretend to say, that it was the present system under which this people throve, and rose to that pitch of opulence and strength, they themselves had given so lively a description of; if it was not, but that it evidently impeded instead of augmenting this state of domestic prosperity, it followed of course, that America owed its greatness to a system of mild government; and that a direct deviation, or total abandoment of that system, was what gave occasion to the present unnatural civil war. He said, whatever colour might be now given to the present state of affairs, taxation was the original cause; and he still continued to think, that the only sure constitutional taxes which ought to be drawn from the colonies, would be the monopoly of their trade; and the other great advantages drawn from their constitutional dependence and connection with the parent state; and though the right were clearly on our side, nay, even that there were some degree of necessity for exercising it, yet when the real disposition of the people came to be known, their resources, strength, and numbers, came to be revealed, and the enormous expence of prosecuting such an expensive war, at so great a distance, was properly considered; motives of expediency in the first instance, and considerations of the impracticability of such an attempt, united, would induce him for one to consent to any reasonable terms of accommodation. What, said his lordship, do ministers tell us this day? They come forward, and, through the medium of the speech, write a panegyric on their own conduct. I will put the whole of their defence on this short issue. I ask them, in the course of their experience, whether they ever heard, or can now be persuaded to think, that a whole people, so numerous, and living under so many different forms of government, though members of the same political body, ever unanimously confederated to join in a revolt, under a mild, wise, and equitable administration of public affairs? His lordship arraigned the principle on which the measures have been all along supported, that of unconditional submission. He said, the idea was abhorrent to the subjects of this free government; that Englishmen, whatever their local situation may be, know no obedience to any thing but the laws; and that when the protection of the laws was taken away in several instances, particularly by the Capture Act, when they were declared open enemies, and put out of the King's peace, it was impossible for them to do otherwise than they did. If they declared themselves independent, it was long after they were declared enemies; and for his part he could not possibly see what degree of obedience was due, where public protection was openly withdrawn. His lordship then moved the Amendment which will be found at the end of the debate.

The Duke of *Manchester* drew a parallel between the present state of the British empire, and that of ancient Rome in its decline. He observed, in one, as the other, the mere forms of the constitution were preserved long after every effort of despotism was felt in its fullest extent. Imperial Rome oppressed her provinces and dependencies, like Britain; her sub-

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jects bowed under the yoke of the most insupportable oppression, like that endeavoured to be inflicted on our colonists; and he did not hesitate to foretel, that as in one instance the distant subjects of that overbearing mistress of the universe, by the injustice and severity of her government, forced her provinces to resist her lawless power; so in the other this country had alienated the obedience and affection of her American subjects, which would bring on a dismemberment of the empire, and probably terminate in a total dissolution of this government. His grace remarked on that passage in the speech relative to assurances of amity, said to be received from the several courts of Europe, in a very pointed manner. He said, it contained the most improbable information that could be well conceived, unless we supposed, that the framers of the speech, and those who advised the present naval armaments, thought differently on the same day; or were not the same persons; for if assurances were given, and that they were to be depended on, why have recourse to that mode of manning our navy, a press, which was known to be fraught with so many hardships and inconveniences, and which should never be resorted to, but in seasons of difficulty and danger? If, on the other hand, those assurances of amity were not to be relied on, why deceive the public and parliament in so gross and flagrant a manner? Why delude them into a dangerous repose? Why tell them, on the eve of a rupture, that we were in a state of perfect tranquillity? But his grace insisted, that we ought not, in the present situation of affairs, to trust either to assurances, however strong, or reasons however plausible, when facts were so evidently against them. He had the most undoubted information, that whatever those assurances might be, they ought not to be relied on. A gentleman, on whose veracity he could depend, assured him, that he had been at Havre de Grace some short time since, where he saw a vessel publicly loading with fire arms and other military stores for the use of the provincials. If, in the language of the speech, the Americans were to be esteemed rebels, and if rebels in arms were to be looked upon as open enemies, the fact now alluded to was an irrefragable proof, that France was in the first stage of open enmity with Great Britain.

His grace then contradicted the substantial information of the speech on another ground. He said, that it was now no secret, that a fleet had lately sailed from Cadiz, with a considerable body of land forces on board. This armament must be destined to carry on hostilities against us in some part of the western world, or for South America, to be employed against the Portuguese. Supposing the former not to be the case, no doubt could be entertained of the latter, which came exactly to the same point; because, if Portugal were attacked, Britain must consequently be involved in a war, unless we broke our engagements with Portugal, and sacrificed our dearest interests to the blind rage of making a conquest of our fellow-subjects in America. We were bound by treaty to support and defend Portugal. The difference was therefore very little, whether France or Spain broke with us openly, or in this indirect manner, the consequences would be the same: we should in the end find ourselves engaged in a war with the united force of the House of Bourbon. Portugal had already given us the highest instance in their power of their friendship; they had forbid the provincials from entering their ports. Had France or Spain done so? The contrary was notorious. If then, taking the question in either light, as an attack of Spain on our ally, or the open encouragement given to our subjects now in arms against us, he wished to know from administration what requisitions had been made on our part, to bring the courts of Versailles and Madrid to an explanation on those very important points; what was the effect of those requisitions; and what we had now finally, at so critical a period, to depend on? No reliance was to be had at any time on the pacific assurances of those courts, much less when their conduct contradicted them; that therefore a tame acquiescence in whatever measures they might think proper to adopt, or an immediate war with those powers, was inevitable, which, considering the present distracted and almost exhausted state of this country, threatened no less than its total ruin. He had foreseen this from the beginning; he had often foretold it. He was in future determined to lament it in silence, as all further efforts, he perceived, would be in vain; however, as the last attempt, he very readily joined in the amendment moved by his noble friend.

Lord *Cardiff** declared the colonists to

* Lord Mountstuart, eldest son of the earl of Bute. Born 1744: in 1796 created marquis of Bute.

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be exceedingly ungrateful. From their first emigration from this country they had manifested a most disloyal and republican spirit; in proportion to the favours we had heaped upon them, the protection we had afforded, the encouragement we had given them in free ports, bounties and premiums, and the blood and treasure we had lavished in their service, they had been disobedient, turbulent, and ungrateful; that our strength and finances had been wasted in defending and covering them from a dangerous and superior enemy during the late war, to a degree, he feared, that would not shortly, if ever, be recovered: and now the return we met with was, to be involved in a bloody, expensive contest, on the issue of which the dearest interests of this country were staked, perhaps its very existence as a great commercial and maritime power. He trusted, however, such being the provocations on our part, and such the unparalleled baseness on theirs, that the spirit of the British nation would be roused, so as to take the necessary measures for their effectual chastisement. He could not agree with the amendment proposed by the noble marquis, for many cogent reasons; but for none more, than that it brought matters forward, which at least for the present formed no part of the question. If ministers had neglected their duty; if they suffered themselves to be deceived; if they misled parliament; those might be all proper objects of enquiry at a suitable and convenient season. The only matter now under discussion, was, what is the present state and condition of our colonies? What are the resolution and final determination of our subjects in America? Have they not declared themselves an independent state? Are not they in arms in support of that independency? Have not they pulled off the mask, and avowed themselves open enemies? The question of taxation is now totally lost, or buried in an obstinate and loud appeal to arms. They no longer think it necessary to conceal their real sentiments; they have put us to defiance, and the event must inevitably be the full assertion of our legislative authority over them, or submitting to relinquish it for ever. Should the latter be the case, then farewell to the importance of this country. The state of Europe had undergone an almost total change, since the first establishment of those colonies. Several considerable acquisitions of territory had been made by the great states, who may be supposed to be the rivals of our power and greatness. The wealth and additional strength, which we have hitherto derived from our colonies, have enabled us to retain our superiority in the grand European system. What then would be the probable effect, merely on considerations of self-preservation, but that, stripped of so ample a support, we should dwindle so, as, in the first instance, to lose our importance in that system, and, in the end, to become a province of the first ambitious power, who might think proper to attack us? For instance; France, our natural rival and enemy, is a vast extensive opulent country, full of inhabitants, fertile in soil, rich in native produce, and rendered more so by the industry of its people: it is compact in itself, its strength is easily collected; how then can it be expected, that Great Britain and Ireland, inferior in every respect, and divided and broken by seas, could withstand so formidable a power, if those sources of wealth and strength derived from our colonies were to be cut off; which must be the case, should we tamely permit America to remain independent.—This was the true point on which the deliberations of this day would turn; it fairly included this short question, whether, by foregoing our superiority over America, we were at the same time willing to take such a resolution with all the consequences now described, which he contended must follow? He said, besides this grand, this leading inducement to a vigorous exertion of our whole strength, there were many collateral circumstances, which gave him hopes, that the general impressions of despondency, attempted to be made, were ill founded; and were neither supported by fact or probability. He said, the deluded people of America had been inflamed, misled, and hurried on by their leaders; that the late success of his Majesty's forces on Long Island, and the events which might reasonably be expected in consequence of that success, gave the most rational ground to expect, that his Majesty's subjects in America would recollect themselves, and return to their duty; and such of them, as all along retained their loyalty, be emancipated from the cruel oppressions they had sustained for their attachment to the mother country; which would create such an additional strength, as not only to rescue the province of New York from under the dominion of its merciless oppressors, but likewise to establish a civil

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government in that province, and from thence extend, by its influence and example, the blessings of peace, law, and liberty, to its several neighbouring colonies; which would in time, he hoped, by that means be communicated to the whole continent. He did not, according to the language of the amendment, expect, much less wish, that the people of America should yield to an abject or servile submission. It was, however, now become indispensibly necessary to the very existence of the British empire, that the supremacy of this legislature should be asserted in its full extent: when that point was once fully established, he doubted not but the people of America would receive satisfaction for every just grievance they may have felt, and every right they may be entitled to enjoy as British subjects. Fully convinced of the propriety of the measures recommended in the Speech, he must give an affirmative to the Address now moved.

The Earl of *Derby** spoke warmly in favour of the Speech, and against America, which, he said, had entered into the most unprovoked rebellion ever known in the annals of this or any other country. He insisted, that they had an equitable as well as a legal right to contribute towards the national burden incurred during the late war on their account. First, on the constitutional right the parent state had to regulate, controul, and give law to all its dependencies, which inherent right especially included the power of taxation. Secondly, because one half of the public debt was incurred in protecting them. He complimented such of his noble auditory, as always looked upon the resistance made to the laws enacted in support of the exercise of our constitutional superiority over America, as a substantial avowal of their intended independency. Such being the fact, now no longer to be controverted, he was astonished that any noble lord, who declared himself a friend to Britain, could possibly hesitate about agreeing with the Address, as the measures it was meant to sanctify were the only means to save the British empire from certain destruction. His lordship lamented the factious spirit, both here and in America, which had been the cause of the present melancholy state of public affairs; and hoped, as the only means of reparation left, that those who had unhappily fomented the present disturbances, that those who had by the strongest reiterated assurances pledged themselves to the nation, that America only wished for a constitutional dependency, not to deny or throw off the supreme legislative power of the parliament of Great Britain, would now candidly confess their error, and prove themselves only mistaken, not intentionally wrong.

The Earl of *Radnor** said, that he could not agree with the proposed Address, or Amendment, neither of them coming up to his ideas. A noble lord had asserted, that the people of America were tainted with principles of republicanism in general, and had always shewed a spirit of disobedience. He denied that either of those assertions were strictly just. The charge of republicanism was never even attempted to be made against any but the northern colonies, and there he believed with great injustice; and the charge of disobedience was still worse founded; for he believed, if the history of the colonies was impartially considered and fairly decided on, from their first establishment, it would be found, that no subjects had ever exhibited stronger proofs of duty, attachment, obedience, and affection for the parent state. If, indeed, the same spirit which compelled the first settlers to fly from the ecclesiastical and civil persecution and oppression of a tyrant, was a spirit of republicanism, he trusted, that spirit would never be extinct either there or here: for if it should, then despotism would triumph, and nothing would be left for the prince on the throne, but to possess himself of the liberties of the people thus deserted and surrendered.

The Duke of *Richmond* arraigned the conduct of administration, in relation to the affairs of America; and described what he called the tremendous and awful situation this great empire was reduced to; the whole of which he attributed to a want of wisdom in ministers, as well as a want of virtue in parliament. His grace mentioned the several measures adopted by the King's servants against that country, and reminded their lordships, that the consequences from the beginning to the very close of the last session, were almost literally foretold by those who disapproved of them; that there was something very remarkable, however, in this combination

* Edward Smith-Stanley: born Sept. 18, 1752; succeeded his uncle, Feb. 24, 1776.

* Jacob Pleydell-Bouverie: born March 1750; succeeded his father, Jan. 23, 1776.

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of cause and effect; for while opposition predicted the probable operation those coercive laws would produce, they did not neglect to remind ministers, that they supposed those laws were expressly enacted for that purpose; if so, though such a conduct might well serve to impeach the justice of the measures, it proved in some degree, that they were not so much the effect of ignorance as design. America had the alternative to submit, or to abide the event of resistance; the several oppressive laws spoke that language; and as America refused to accede to terms of unconditional submission, she was of course compelled to declare herself independent. In that point of view, ministers had been successful, and gained what they secretly wished for, though they did not dare to openly avow it; they put all on the issue of a trial of strength between the parties, in which struggle they flatter themselves they shall prevail. Such, certainly, was the express intention of the Capture Act; nothing less could be expected: this law was passed in order to put the colonies to the test; it was meant to produce submission or independency; the former, in that stage of controversy, was not expected; independency was looked for; and ministers, in one instance at least, were not disappointed. To prove the truth of what he now asserted, he gave a short history of the Capture Act; he shewed, that the King's speech, on the opening of the preceding session, promised that commissioners should be sent out to treat with the Americans; that when this promise came to be fulfilled by ministers, the farce was still kept up in the Capture Act, though nothing more than a bare power to receive submissions, and grant pardons, was expressed: yet trifling, absurd, and insidious, as this must appear, ministers were resolved, that no good consequence should arise; for though the royal word was pledged in October, and the law was passed the next month, no attempt was made to fulfil it on the part of administration for full seven months after. This brought strongly into his mind a passage in a modern writer (Gibbon) who has written on the causes of the Decline of the Roman Empire: where, speaking of the Christians, and the persecutions they suffered under some of the Roman emperors, he says, "they were thus driven from the protection of the law." His grace commented very pointedly on that passage in the King's speech, which says, "that his desire is to restore to the people of America the blessings of law and liberty, equally enjoyed by every British subject." This, he said, was a palpable fallacy; and could be only introduced into the speech by the minister, in order to mislead the people of this country, and to incense them against their fellow subjects in America; and he expressed his astonishment at the temerity of those who thus dared to put such a sentence in the mouth of their sovereign. It was absurd to the last degree; it was known to be directly repugnant to the express constitutional system of government established in this country; to that power of commercial controul lodged in the seat of empire; and that great commercial law, the Act of Navigation, which with-held several great advantages from our dependencies in Ireland and America; consequently, it was a vile imposition to suppose, that either the sovereign could or would restore to America the blessings of law and liberty, equally enjoyed by every British subject, because such a promised enjoyment was no less false in contemplation, than it was totally impracticable in the execution. His grace next lamented the extreme degeneracy of government; he boldly affirmed, that it was carried on solely through the means of bribery and corruption; that all test of public conduct was laid aside, which depended upon freedom of thought, or freedom of acting. The indiscriminate support ministers received, to whatever measures they thought proper to propose, though ever so destructive, furnished daily proofs of it; and what, from a total disregard which prevailed among public men, to the interests of the nation, and the innumerable modes of corruption, long established, with the new ones daily devised and discovered, he was in his conscience satisfied, that nothing but the personal virtue of the sovereign prevented this country from a total loss of liberty. Like Sweden, it was ripe for the event; and he begged leave once more to give the most solemn testimony, to declare from the bottom of his heart, that nothing but the virtue of the sovereign on the throne prevented this country from being at present under the dominion of arbitrary power.

His grace, after testifying his high esteem for the generals Howe and Carleton, with both of whom he had served, men equally deserving in their private characters, as of high merit in their respective professions, lamented the fatal effects

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of the war, with the conduct of which they are entrusted. From their known temper and disposition he should have conceived the most favourable hopes, if their hands had not been fettered by ministers; nay, indeed, if they had not been actually prevented from taking any measures but such as the laws of war prescribed. This was a melancholy consideration, when we reflected, that every life lost on either side was a diminution of that strength which ought to be preserved, and which should be only employed against our natural and foreign enemies. This led his grace to that part of the speech, which says, "I still hope that all misunderstandings may be removed, and Europe continue to enjoy the blessings of peace; I think it nevertheless necessary, that we should be in a respectable state of defence at home." This, he said, was a most alarming piece of information. If any explanation was wanting, the press-warrants lately issued would serve as the best comment; they justified our apprehensions; they confirmed our fears, and the more so, when we recollected, that the greatest part of our only sure bulwark, our navy, was on the other side of the Atlantic. He observed that ministers had been silent through inattention, or not being able to stand on this very critical and trying occasion, the test of enquiry. It was no secret, that France and Spain had been some time arming; that the disputes between Spain and Portugal were notorious, and the public declarations of a minister, in high favour at court and influence in the cabinet, relative to the intended conduct of this country, should a rupture be the consequence of those disputes, made this disagreement a matter of very serious consideration, particularly, as the passage in the speech, which alludes to that important affair, says only, "I hope, &c. that all misunderstandings may be removed." On the other hand, if the repeated accounts be true, that an open commerce is carried on between France and our colonies; if the latter, in return for their native commodities, are supplied with military stores, will not this, if not discontinued on their part, be looked upon as an avowal of the cause of America? So that in either event, whether Portugal is attacked, or the colonists are openly assisted and supported by France, a rupture with the united force of the House of Bourbon seems inevitable. From these important facts, and obvious deductions, his grace took occasion to expatiate on the dangerous predicament this country now stood in, a probable rupture with France and Spain, a civil war with our colonies, our only national defence at the mercy this instant of our natural enemies, an accumulating debt, divided councils, and a distracted people on the verge of political despair. In such a dire and calamitous situation, he recommended a reconciliation with our colonies upon any terms. He thought it would be much better to have them as friends than enemies, though we should be under the necessity of acknowledging them as so many independent states. He concluded with protesting, that he did not believe that any measures that could now be adopted, would ever reconcile the people of America to our government; the attempt, in his opinion, was impracticable. Though a change of administration, and a change of measures in consequence thereof, should take place, he had no expectation, that either, or both, would produce any good consequence. A noble lord had supposed, that this country would not support its rank, as a great European power, without the colonies: his grace strongly doubted the truth of this reasoning. Britain had cut as conspicuous a figure, as she has done since, in the time of the Protectorate. Be that as it may; if the task of conquest was impracticable, as he believed it was, it would be better to retain our native strength, than waste it to no purpose. In such a train of impending evils, as surrounded us on every side, he could only venture to pronounce one certain truth, that he was satisfied the country was ruined, he feared the nation was undone.

The Earl of *Sandwich* said, he should not have troubled their lordships, had not the noble duke, who spoke last, alluded to some matters, which, as connected with the office at which he had the honour to preside, he looked upon himself particularly called upon to explain. The noble duke asserted, that the greatest part of our force was on the other side of the Atlantic, and that we were left defenceless at home. The first of these assertions was not founded in fact; for out of 28,000 seamen, with one of the most formidable fleets this country ever beheld, 15,000, including the marines who were doing duty on shore, as well as on board the ships of war, and two line of battle ships, were only on the other side of the Atlantic: and as to the other assertion, that we were left in a

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defenceless state at home, it was equally ill-founded; for we had a naval force at this instant ready for sea, fully sufficient for our defence and protection. We had the most ample assurances from those courts, of their pacific and friendly dispositions; if they should turn out otherwise, we are prepared for the worst. He said, he looked upon it to be his duty, as an official man, to take care, that the navy, which was our only national defence, should be in the best condition in his power. He was happy to inform their lordships, that it was so, and he was determined that this kingdom should be prepared for any event that might happen. He should not follow the amendment made by the noble marquis, it took in so many different matters, little relative to the present subject of debate; but while it recommended a retrospective enquiry into the conduct of others, he could not help declaring, that the true cause of this civil war, was the bad policy of those, who, by their advice, power, influence, and official situations, laid a foundation for it, by the repeal of the Stamp Act. He had often said so, and would avow it with his last breath. As a friend to his country, he must dissent from the extraordinary proposition made by the noble duke who spoke last, "recommending a reconciliation with America upon any terms, even upon grounds of admitting their independency." As an Englishman, and a friend to his country, he could not endure the thought; he would never consent to subscribe to a doctrine, so derogatory to the honour, so disgraceful to the character, and so destructive to the interests of this country. He would risk every thing sooner than accede to it; he would hazard every drop of his blood, and the last shilling of the national treasure, sooner than Britain should be set at defiance, bullied, and dictated to by her ungrateful and undutiful children, her disobedient and rebellious subjects. He alluded to a passage in the last mentioned noble duke's speech, in which he protested, that he did not believe either a change of men or measures, in consequence of it, would effect a reconciliation, so as to bring America back to her former disposition. He believed his grace, for he was certain that the resentments of America were not directed against any particular set of men; he was convinced that they despised their supposed friends, as well as their pretended enemies; and that their intentions were uniformly from the beginning to render themselves independent of the parent state.

The Duke of *Grafton* prefaced his particular sentiments of the measures chalked out in the speech, in the strongest disapprobation of the conduct of administration from the beginning. He pledged himself to the House, and to the public, that while he had a leg to stand on, he would come down, day after day, to express the most marked abhorrence of the measures hitherto pursued, and meant to be adhered to, in respect to America. He condemned, in terms equally explicit, and unreserved, the measures which had compelled America to declare herself independent, though he was sorry for it, and thought she acted extremely wrong in so doing. He said, ministers had not only effected this part of their scheme, by a set of the most cruel, oppressive, destructive, and impolitic laws, that were ever devised by a deliberate assembly, but they had likewise brought themselves into a situation, which had been often predicted by those on this side of the House. Those predictions ministers affected to disbelieve; though the experience of that day, the very speech delivered from the throne, proved this truth; and when other circumstances came to be revealed, their veracity could not be questioned. He was justified, from an authority which could not be disputed, to aver, that four ships of the line, with a considerable number of land forces on board, had lately sailed from Cadiz; that another fleet of seven men of war of the line, with a body of at least 10,000 land forces, were preparing to follow them; that the French had been for some months busily employed in making very formidable naval preparations; the consequence of which was, that a strong squadron of men of war were now lying at Brest, completely fitted and manned, waiting only for orders to proceed to the place of its intended destination. His grace attributed our present alarming situation to a want of proper information: parliament was led blindfolded; they assented to every thing ministers proposed; they reposed an unlimited confidence in their assurances. He reminded ministers, how often, and with what confidence, the last year, when the possible, if not probable, interference of foreign powers was suggested, as a strong ground of expediency for us to relax in our claims on America, and to adopt conciliatory measures, they pledged themselves to parliament, that no impediment

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or obstruction was to be dreaded from that quarter; that our court daily received the most full and satisfactory assurances, assurances that might be safely relied on, of the pacific disposition of both France and Spain; yet all of a sudden press-warrants are issued, while, if the speech may be depended on, such a precaution is unnecessary. Two days before the meeting of parliament, the substance of the speech is flatly contradicted, the assurances are no longer to be relied on; the noble lord who presides at the Admiralty tells you, that it became necessary to prepare for the worst. Does his lordship mean to amuse us, by telling us, that our present armament was only meant to put us in a state of defence, confessing by that assertion, that, before the steps now taken, the nation was not in a proper state of defence, contrary to the repeated assurances that his lordship had given to this House that it was?

The Earl of *Sandwich* insisted that he never meant to say, that the nation was not in a state of defence previous to the preparations now going on; for he was certain that we were all along prepared; what he meant to say was, that as a dispute subsisted between Spain and Portugal, which might call for our interference, as well as mediation, if pushed to extremities, he thought it his duty to prepare for the worst, in order to give our mediation the proper effect.

The Duke of *Grafton* observed, that although every thing asserted by the noble lord had been literally true, he begged leave to differ from him in thinking, that our home defence could be looked upon as complete, while we solely depended on our navy. Adverse winds and a thousand accidents fleets were liable to, pointed out the necessity of auxiliary assistance, such as a strong military force, should an enemy by chance, or any other means, effect a landing. A strong instance of the truth of this observation had, he begged leave to remind their lordships, happened during the late war, when sir Edward Hawke was wind-bound in Torbay, so as not to be able to prevent Conflans from invading some part of these kingdoms, though he was apprized of his intention. At the critical instant Providence interposed, and the wind suddenly changing, sir Edward was enabled to proceed to sea, and meet the enemy at the very moment they had cleared the land, by which fortunate circumstance he was enabled to engage them, and defeating them, prevented an invasion which might have been productive of the worst consequences. His grace concluded therefore, that a powerful naval force was not sufficient alone for home defence; that the silence of the other members of the cabinet had the most unfavourable appearance; and as the noble lord seemed to trust so much to the respectable state of the navy, previous to the press, he would be glad to have a specific answer to this question: Was the naval force, a few days since, a sufficient defence against that now fitting out, and ready to sail from Brest? Because, if it was not, then parliament had been designedly misled, the nation had been grossly and criminally deceived, ministers had trusted the safety of the kingdom to an inferior force, and had by so doing given parliament official information that was not to be relied on. Such, then, being the state of public affairs respecting both America and the unfavourable dispositions, if not the direct hostile intentions of foreign powers, the love he bore his country, his respect for his sovereign, his duty as a member of that House, forbid him to approve of an address so big with mischief, and so much calculated to lull the nation into a fatal security, while its dearest interests, its very existence, were on the eve of being ultimately decided upon. On the contrary, he would most earnestly recommend, at this alarming crisis, to suspend all further proceedings, in order that the House might resolve itself into a committee, to enquire into the state of the nation, to learn the true causes which have occasioned the revolt of our American subjects, to discover their authors, and to devise the best measures for rescuing the nation from the innumerable perils with which it is at this present instant surrounded.

The Earl of *Sandwich* said, he could assure the House from his own certain knowledge, that before any late preparation was made on our part, we had a naval force sufficient to cope with any now at Brest, fitting out there, or preparing to depart. The armament alluded to was but a small one, consisting only of six ships of the line; but if it had been greater, we were sufficiently prepared.

The Earl of *Shelburne* was astonished that the House could continue to submit coolly to the contempt with which administration had treated it, both in the speech, and the manner in which it was defended. The speech, he said, was a piece of meta-

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physical refinement, framed with a design to impose; the defence made to continue the imposition, was nothing more than a string of sophisms, no less wretched in their texture, than insolent in their tenor. He was no great metaphysician, but still he knew enough of the science of metaphysics to detect the manifest falshoods, clothed in the semblance of truth, particularly when the garment was so thin, or the disguise so gross and ill-suited, that further confidence would be madness, and remaining in error would be the effect of the most senseless stupidity.

Such being the contents of the speech, the manifest intention of its framers, and the shameful conduct of its defenders, he begged the indulgence of the House, while he briefly delivered his sentiments on those several points. The very opening of it was manifestly fallacious; for how was it possible to expect unanimity at home in support of the prosecution of a war, the original object of which was professedly to enslave three millions of British born subjects? How could ministers dare to call for unanimity from those whom they had so repeatedly insulted, betrayed, and deceived? and the imputation of unanimity was still more absurd, when it was looked for from those who had so often predicted every circumstance which had happened in the course of this cruel and bloody business; and had frequently, during the last session, faithfully described the present alarming state of this country, both in regard of her subjects in America, and her home security. His lordship observed, that the first paragraph contained many specious falshoods, as well as those he had just remarked on. It charged the Americans with "rejecting the means of conciliation held out to them under the authority of our commission, with circumstances of indignity and insult." This his lordship contended was no less untrue, than plausibly and artfully stated. For the pretended means of conciliation alluded to, were held back so long, the commission not being made out, nor the commissioners sent, till about the middle of May, that the people of America, if the commissioners were armed with powers sufficient to hold out fair and solid means of conciliation, were fully justified in declaring themselves independent, from the most obvious motives of self preservation; but when these pretended means of conciliation held out nothing but a naked offer of pardon, on the terms of unconditional submission, the hitherto unparalleled effrontery of ministers, who could thus dare to deceive their sovereign, could now be only equalled by the political blindness and tame servility of those who could submit, or swallow such gross deviations in point of fact, and misrepresentations in argument and conclusion. Every opprobrious charge which could tend to inflame the people of this country against their fellow-subjects in America was stuffed into the speech, and had been copied and improved on by the friends of administration. They have been represented daring, desperate, traitorous, insolent, ungrateful, and rebellious. These, he said, were strong charges, and they required suitable proofs. For his part, whatever the speech may have decided, or however eager the supporters of the speech might have been to improve on the doctrines therein laid down, he could never be persuaded to deem people taking up arms in defence of their property, their privileges, and unalienable rights, rebels; if such doctrines had prevailed at the time of the Revolution, their lordships would not then probably be sitting in that House. If resisting a lawful authority, though perhaps not a rightful authority, be the essence of treason, the Whigs at the Revolution were rank rebels, in the sense the speech used the term. King James the 2nd was their lawful king! It is true, he endeavoured to trample, and in some instances, did invade their rights; but still, if a resistance of lawful authority constituted an act of treason in every possible event, the Whigs in 1688, and the provincials now in arms, may be deemed rebels. It was an opinion he never could accede to; he would always continue to think, that both were a constitutional resistance to a power originally legal, but which, by an unconstitutional exercise of it, had degenerated into the most oppressive stages of an usurped arbitrary power. He said, while he gave his opinion so explicitly on the sufferings of America, he would wish to be understood, that he never meant this country should relinquish its right of commercial controul and regulation over that; on the contrary, he always thought, that that power of regulating the trade of the colonies, was the very essence of the political connection subsisting between both countries; that even if this regulatory power was defined in its most full and extensive sense, and acknowledged on the part of the colonies, yet something more

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might be still expected; the national debt, under which the people of this country now groan, is truly and equitably the debt of every individual in the whole empire, whether in Asia, America, or nearer home. But until the Americans had full satisfaction on the question of taxation, and ample reparation for the attack on their charters, till the exclusive right of taxing themselves, and the most solemn security was given them for their colonial privileges, derived through their respective legislative assemblies, it was in vain to talk of conciliation. It was possible extirpation might follow from the means of conciliation held out to them, but he was certain, notwithstanding what may have been held out in the speech, conciliation never would. These, he said, were his general sentiments relative to that species of dependency America owes of right to the parent state. It might not meet the approbation of a great number of persons on the other side of the Atlantic. That, however, did by no means influence his opinion: it had been the same from the beginning. He did not now take it up, because our affairs in that country wore at present a more favourable aspect than at any time during the last session; for he expressed himself precisely in similar terms, at the time that America was flushed with success, when they had every foot of Canada in their possession, the town of Quebec excepted. He referred to the pamphlet written by Dr. Price, at the end of which a speech was printed in his name, which he owned was authentic.

The second paragraph in the speech was another metaphysical refinement, equally ill supported in fact or argument; if it contained any substantial truth, it was, that the same violent oppressive measures were determined to be pursued; that we must prepare for another campaign, and that the foreign mercenaries had executed, with a bloody alacrity, the horrid purposes of their paymasters, by butchering our fellow subjects in cold blood. It was a very proper and timely eulogium in return for a faithful discharge of their duty, and, he presumed, was intended to operate as a powerful stimulative to perseverance in the same commendable line of conduct.

On the third paragraph he likewise commented, and insisted, that it was fraught with the most gross and notorious falshoods; no assurances of amity were, or could be, received; and if they were received, and could be depended on, why arm? why put the nation to so monstrous an expence? why dispatch your press-gangs in every quarter of the town? why let loose so many bands of ruffians, to enter by force into people's dwellings, to drag the unhappy master of a numerous family from them, aboard a tender, where perhaps the first account they hear of him is, that he died of grief and vexation, or of the cruel usage he received before or during his passage to, or being aboard at the Nore. His lordship, however, was proud to find, that by the spirited conduct of the lord mayor of London (Mr. Sawbridge) a stop had been put to those horrid outrages within the limits of his jurisdiction. He had refused to back press-warrants, though it was insinuated by those that applied, on his refusal, that the request was merely complimentary, for that the press would be carried into the city. He said, if any proof were wanting of the unpopularity of the present barbarous war, that honest magistrate's conduct, as expressing the sentiments of the inhabitants of the first city in the empire, perhaps in the world, was the most irrefragable and conclusive. If, upon any other occasion, the most distant prospect of a foreign war was only so much as talked of, the citizens of London would be the foremost in expressing their zeal for chastising our foreign enemies; but when it was known, that the present threatened rupture is a consequence of an unnatural proscription of three millions of their fellow subjects, the spirit of the nation is bowed down and enfeebled, their hearts, as well as their countenances, are frozen, and they even remain in a kind of political stupor, scarcely venturing to decide in their own hearts, whether a vigorous resistance against our foreign enemies may not be the means of ensuring evils, no less to be avoided, than even defeat from the hands of our natural foes, that of forging chains for our American brethren, as the leading measure in due season to the rivetting them on themselves. His lordship assured the noble earl, (lord Sandwich) who supposed that he went over to the continent to seek intelligence, that he was mistaken in his conjectures. It was true, that he did go to France towards the latter end of the summer, but with no such intention. He was in Britanny, and in several parts of the sea coast, where he received every mark of politeness, hospitality, and kindness, that was in the power of the inhabitants of the

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country to bestow; it was, he said, the native disposition of the nobility and gentry of France, to conduct themselves in that manner towards all strangers of rank, or worthy of note. He was certain, that there was not one of their lordships present, if in his situation, who would not have had a reception equally kind, friendly, and respectful. It would ill become him, therefore, if he had learned any thing, through such a confidential medium, to disclose it. He trusted, he was incapable of acting in such a manner; but whatever wit there might be in the noble earl's insinuation, there was nothing in it solid, or relative to the present subject of debate; for without stirring out of England, every body had repeatedly heard, that Spain and Portugal were seemingly on the eve of a rupture, relative to a dispute of boundaries of territory in the Brazils, which, in its consequences, was likely to involve Britain in a war; that Spain and France had been arming for some months; that a formidable fleet is now fitting out at Brest; that the French and Spanish ports were rendered asylums to the American privateers, both in Europe and the West Indies; that warlike stores were daily transported both in French and American bottoms, openly from almost every port in France; that the latter court had, as often as applied to, positively refused to prohibit American trading vessels or ships of war from entering their ports; and that, to complete the whole, a person from the congress, if not two or three, were now in a public character at the court of Versailles; not perhaps received with the formalities of an envoy extraordinary, to agree upon specific articles, but most certainly armed with all the efficient powers of a person treating on the part of an independent state, on certain preliminary conditions, leading to engagements of a most consequential and important nature. These being incontrovertible facts, he looked upon himself fully satisfied in flatly contradicting the passage alluded to, and solemnly affirming, that we do not continue to receive assurances of amity from the several courts of Europe, or that, receiving them, it was a gross imposition on parliament, to even insinuate that they were to be relied or depended on. His lordship turned with great indignation on the cabinet ministers; said, it was very lucky for such of them as were absent; for surely, in the present situation of affairs, they must cut a very aukward figure: but he was astonished how it could be said, that we had been preparing for some months, when the contrary was well known to every clerk and store-keeper in the several dock-yards; nay, a most curious circumstance was generally reported, and believed to be true, which was, that the speech, as first manufactured, was obliged to be altered two days before its final revision; such being the information ministers had of the disposition of foreign courts on the Thursday night, or Friday morning, previous to the issuing the press-warrants. He reprehended the noble lord whose province it was to procure the necessary information, in very severe terms. He said, when he had the honour of occupying the same post, he spared no pains or expence to be fully, timely, and minutely informed. He was apprized of every step taken by France, in relation to the purchase and intended conquest of Corsica, from its very commencement. While the matter was in agitation, he kept it continually in his mind, and often thought of it on his pillow; and though he was left alone, and deserted by all his colleagues in office, and brethren in cabinet, he had the conscious pleasure of recollecting that he had done his duty, and that nothing could be fairly imputed to his neglect or inattention.

On the concluding paragraph of the speech, his lordship was also severe. He said, it was a compound of the most glaring hypocrisy, unless attempting to rob the people of America of their property, by laying taxes without their consent, or stripping them of their charters, the only legal foundation of their legislative and personal privileges, as a proof "that no people ever enjoyed more happiness under a milder government," or unless, since the resistance to this mild government, the sending over an army of blood-thirsty foreign mercenaries to cut their throats, as the first step "to restore them the blessings of law and liberty, equally enjoyed by every British subject," be a truism, he could not discover the most distant semblance of truth throughout the whole sentence. His lordship concluded with calling on the cabinet ministers present, to declare whether they had applied to the court of Versailles on any of the leading points now mentioned; whether they were disavowed, mitigated, or explained by that court; whether, on the other hand, they were openly avowed, or replied to in such a manner, as to give us to understand that

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they would, when their armaments were rendered more forward. These, his lordship insisted, were matters that called for so many explicit answers: that until explanations were had on them substantially, or in detail, it was impossible that their lordships could with safety vote the present Address.

Lord *Osborne** said he was far from approving the conduct of administration; he was satisfied that they justly incurred censure in several parts of it; yet he could by no means agree with the amendment, as it held out investigation and inquiry at the instant that the fullest exertion of the naval and military strength of Great Britain was called for, as well for our own protection, as to bring back our subjects in America to a constitutional acknowledgment of the superiority of this country as the parent and governing state: when that acknowledgment was obtained, then he would recommend the most mild and conciliating terms that could be well imagined. No noble lord in that House would go further in restoring peace upon equitable and reasonable terms than he would, if they submitted to the legislative power of this country; till that should be the case, none would more zealously support such measures as might promise to compel them to a constitutional submission to the British legislature. Nothing came more fully up to the ideas he entertained on the great American question than the Declaratory Act passed in 1776, on the repeal of the Stamp Act; that asserted the legislative supremacy of this country in its fullest extent, and he was astonished, that the framers of that Act could offer to defend America, when the very resistance, which produced the present unhappy civil war, was made expressly in contradiction to the parliamentary rights therein maintained. He spoke much of the ingratitude of America, the favours we had heaped upon her, and the insupportable burdens we had loaded ourselves with, in rearing, nourishing, and protecting her, till at length we had raised her to a pitch of strength and opulence, sufficient to trust the decision of her cause to the event of arms. Such was the state of things; and now we had no alternative but either to suffer America to erect herself into an independent sovereign state, which was an opinion, he trusted, would never prevail in that House, or exert ourselves to the utmost stretch of our abilities.

The House then divided on the Amendment: Contents 26: Not Contents 82, Proxies 9—91.

Protest against rejecting an Amendment to the Address.] The Amendment being negatived, was entered as a Protest, as follows:

"To assure his Majesty, that, animated with the most earnest and sincere zeal for his true interest, and the real glory of his reign, we behold with inexpressible concern the minds of a very large and lately loyal and affectionate part of his people entirely alienated from his government. Nor can we conceive, that such an event, as the disaffection and revolt of a whole people, could have taken place, without some considerable errors in the conduct observed towards them.

"These erroneous measures, we conceive, are to be imputed to a want of sufficient information being laid before parliament, and to too large a degree of confidence being reposed in those ministers, who from their duty were obliged, and from their official situation were best enabled, to know the temper and disposition of his Majesty's American subjects, and were therefore presumed most capable of pointing out such measures as might produce the most salutary effect. Hence the schemes which were formed for the reduction and chastisement of a supposed inconsiderable party of factious men, have driven thirteen large provinces to despair. Every act, which has been proposed as a means of procuring peace and submission, has become a new cause of war and revolt; and we now find ourselves almost inextricably involved in a bloody and expensive civil war; which, besides exhausting at present the strength of all his Majesty's dominions, exposing our allies to the designs of their and our enemies, and leaving this kingdom in a most perilous situation, threatens in its issue the most deplorable calamities to the whole British race.

"We cannot avoid lamenting, that in consequence of the credit afforded to the representations of ministers, no hearing has been given to the reiterated complaints and petitions of the colonies; neither has any ground been laid for removing the original cause of these unhappy differences, which took their rise from questions relative to parliamentary proceeding, and can be settled only by parliamentary au-

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* Marquis of Carmarthen: afterwards duke of Leeds.

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thority. By this fatal omission, the commissioners nominated for the apparent purpose of making peace, were furnished with no legal power but those of giving or withholding pardons at their pleasure, and of relaxing the severities of a single penal act of parliament, leaving the whole foundation of this unhappy controversy just as it stood at the beginning.

"To represent to his Majesty, that in addition to this neglect, when, in the beginning of the last session, his Majesty, in his gracious Speech to both Houses of Parliament, had declared his resolution of sending out commissioners for the purposes therein expressed, as speedily as possible; no such commissioners were sent until near seven months afterwards, and until the nation was alarmed by the evacuation of the only town then held for his Majesty in the thirteen united colonies. By this delay, acts of the most critical nature, the effect of which must as much depend on the power of immediately relaxing them on submission, as in enforcing them upon disobedience, had only an operation to inflame and exasperate. But if any colony, town, or place, had been induced to submit by the operation of the terrors of these acts, there were none in the place of power to restore the people so submitting to the common rights of subjection. The inhabitants of the colonies, apprized that they were put out of the protection of government, and seeing no means provided for their entering into it, were furnished with reasons, but too colourable, for breaking off their dependency on the crown of this kingdom.

"To assure his Majesty, that, removing our confidence from those who in so many instances have grossly abused it, we shall endeavour to restore to parliament the confidence of all his people.

"To this end it may be advisable to make a more minute enquiry into the grievances of the colonies, as well as into the conduct of ministers with regard to them. We may think it proper particularly to enquire, how it has happened, that the commerce of this kingdom has been left exposed to the reprisals of the colonies, at the very time, when their seamen and fishermen, being indiscriminately prohibited from the peaceable exercise of their occupations, and declared open enemies, must be expected, with a certain assurance, to betake themselves to plunder, and to wreak their revenge on the commerce of Great Britain.

"That we understand, that amidst the many disasters and disgraces which have attended on his Majesty's arms in many parts of America, an advantage has been gained by his Majesty's British and foreign mercenary forces in the province of New York. That if a wise, moderate, and provident use be made of this advantage, it is not improbable that happy effects may result from that use. And we assure his Majesty that nothing shall be wanting on our part to enable his Majesty to take full advantage of any dispositions to reconciliation, which may be the consequence of the miseries of war, by laying down, on our part, real permanent grounds of connection between Great Britain and the colonies, on principles of liberty, and terms of mutual advantage.

"That whilst we lament this effusion of English blood, (which we hope has not been greater, or other than necessity required, and honour justified) we should most heartily congratulate his Majesty on any event leading to the great desirable end of settling a peace, which might promise to last, by the restoration of the ancient affection which has happily subsisted in former times between this kingdom and its colonies; any other would necessarily require, even in case of a total conquest, an army to maintain, ruinous to the finances, and incompatible with the freedom of his Majesty's people. We should look with the utmost shame and horror on any events, of what nature soever, that should tend to break the spirit of any large part of the British nation, to bow them to an abject unconditional submission to any power whatsoever, to annihilate their liberties, and to subdue them to servile principles, and passive habits, by the mere force of foreign mercenary arms. Because, amidst the excesses and abuses which have happened, we must respect the spirit and principles operating in these commotions. Our wish is, to regulate, not to destroy them. For, though differing in some circumstances, those very principles evidently bear so exact an analogy with those which support the most valuable part of our own constitution, that it is impossible, with any appearance of justice, to think of wholly extirpating them by the sword in any part of his Majesty's dominions, without admitting consequences, and establishing precedents, the most dangerous to the liberties of this kingdom."

The question being put, it was resolved in the negative.

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" Dissentient.

" Manchester, Portland, Richmond, Scarborough, Devonshire, Rockingham, King, Craven, Fitzwilliam, Abingdon, De Ferrars, Effingham, Abergavenny, Ponsonby."

The Lords' Address of Thanks.] The following Address was then agreed to:

" Most gracious Sovereign,

" We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

" It is with the truest satisfaction we congratulate your Majesty on the success of your arms in the province of New York, the recovery of Canada, and the fair prospect of decisive good consequences, which, under the blessing of Divine Providence, is now opened by the firmness of your Majesty's councils, the valour and good conduct of your Majesty's officers and forces by sea and land, and by the zeal and bravery of the auxiliary troops in your Majesty's service.

" We beg leave to assure your Majesty, that nothing would have given us equal happiness to the having been informed by your Majesty, at the opening of this session, that the troubles, which have so long distracted North America, had been at an end; that your Majesty's unhappy people in those provinces had recovered from their delusion, and, awakened by a due sense of their misfortunes and misdoings, had delivered themselves from the oppression of their leaders, and were returned to their duty. While we lament that your Majesty's humane and merciful intentions have been frustrated by the neglect shewn to the means of conciliation, notified under the authority of your Majesty's royal commission, we feel the strongest indignation at the insolent manner in which they were rejected; and we want words to express our abhorrence of the desperate spirit of those overbearing men, who, with an insatiable thirst of power and dominion, which has uniformly actuated all their proceedings, have now renounced allegiance to the crown, and all political connection with Great Britain; and, with an arrogance equal to the enormity of the attempt, lest a doubt of their real designs should remain on the breast of any person whatever, have set up their rebellious confederacies for independent states. We are fully aware of the mischief which would accrue from the success of this treason, to your Majesty's loyal colonies, to the commerce of this nation, and, more remotely indeed, but not less certainly, to the system of Europe, and to every state upon the continent of Europe possessed of distant colonies.

" We reflect with pleasure on the solid advantage which will be derived from the object of the rebels being openly avowed, and clearly understood; the unanimity which will prevail at home, founded in a conviction of the justice and necessity of your Majesty's measures. Inspired with the same zeal for the cause of our country which animates the kingdom at large, we will steadily support your Majesty in the vindication of the honour of your crown and the just rights of parliament; and will cheerfully concur in making the necessary provisions for those great purposes.

" The assurances of amity, which your Majesty continues to receive from the several courts of Europe, afford us great satisfaction; we entertain the most grateful sense of the endeavours which your Majesty is exerting to conciliate unhappy differences between two neighbouring powers; and we trust that, by your Majesty's auspicious endeavours, these misunderstandings will be removed, and Europe continue to enjoy the inestimable blessings of peace. Permit us, Sir, at the same time, to return your Majesty our dutiful thanks for your provident attention in guarding against any events which may arise out of the present situation of affairs, by keeping us in a respectable state of defence at home.

" With hearts full of duty and gratitude, we acknowledge the happiness, which, under your Majesty's mild government, is extended to every part of the British empire; of which the late flourishing state of the revolted provinces, their numbers, their wealth, their strength by sea and land, which they think sufficient to enable them to make head against the whole power of the mother country, shew that they have abundantly participated: and we earnestly hope, that your Majesty's paternal object of restoring your distracted colonies to the happy condition from which, by their own misconduct, they are wretchedly fallen, will be speedily attained."

The King's Answer.] His Majesty returned this Answer:

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" My Lords;

" I return you my thanks for this dutiful and affectionate Address. It is with great pleasure I observe the satisfaction which the success of my arms against the rebels in North America has given to all my loving subjects; that which you express is highly acceptable to me. The preservation of the public tranquillity, the happiness of all my people, and the maintenance of our most excellent constitution, are the invariable objects of my heart."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House,

Mr. *Neville* moved the following Address of Thanks:

" Most gracious Sovereign;

" We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your Majesty the humble thanks of this House, for your most gracious Speech from the throne.

" While we lament the continuance of the troubles which have so long distracted your Majesty's colonies in North America, and of the calamities and oppressions which our unhappy fellow-subjects are still suffering under the arbitrary tyranny of their leaders; we cannot forbear to express our detestation and abhorrence of the audacious and desperate spirit of ambition, which has at last carried those leaders so far, as to make them openly renounce all allegiance to the crown, and all political connexion with this country, and in direct terms to presume to set up their rebellious confederacies for independent states.

" We consider their rejection of the gracious and condescending means of reconciliation, held out to them, under the authority of your Majesty's commission, as a fresh and convincing proof that the object of these men has always been power and dominion; but we can impute the circumstances of indignity and insult accompanying this proceeding to no other motive, than a resentment of your Majesty's firm and constant adherence to the maintenance of the constitutional rights of parliament, divested of every possible view of any separate interests of the crown: and we beg leave to assure your Majesty, that the same attachment of your Majesty to the parliamentary authority of Great Britain, which hath provoked the insolence of the chiefs of this rebellion, cannot but operate, as it ought to do, in fixing your Majesty still deeper, if possible, in the affections of a British House of Commons.

" With reverence and gratitude to Divine Providence, permit us to express our unfeigned joy, and to offer our sincere congratulations to your Majesty, on the success which has attended the good conduct and valour of your Majesty's officers and forces both by sea and land, and the zeal and bravery of the auxiliary troops in your service, in the recovery of Canada, and in the important operations in the province of New York, which give the strongest hopes of the most decisive good consequences.

" It is with much satisfaction we learn, that your Majesty continues to receive assurances of amity from the several courts of Europe: and we thankfully acknowledge your Majesty's goodness and paternal concern for the happiness of your people, in your constant attention to preserve the general tranquillity; and it is our most earnest wish that, by your Majesty's interposition, all misunderstandings and differences between two neighbouring powers may be happily reconciled, and Europe still enjoy the blessings of peace.

" Your faithful Commons consider it as a duty which they owe to your Majesty, and to those they represent, to grant your Majesty such supplies as the weighty considerations, which your Majesty has been pleased to state to us, shall be found to require; and we have a well-grounded confidence, that, at this time, when the object of the rebels is openly avowed and clearly understood, the general conviction of the justice and necessity of your Majesty's measures must unite all ranks of your faithful subjects in supporting your Majesty with one mind and heart in the great national cause in which you are engaged."

Mr. *Hutton* seconded the motion.

Lord *John Cavendish* disapproved of the proposed Address, and moved an Amendment, by leaving out all after the first paragraph, in order to insert these words:

" Animated with the most earnest and sincere zeal for his true interest, and the real glory of his reign, we behold with inexpressible concern, the minds of a very large and lately loyal and affectionate part of his people, entirely alienated from his government; nor can we conceive that such an event, as the disaffection and revolt of a whole people, could have taken place without some considerable error in

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the conduct observed towards them; these erroneous measures, we conceive, are to be imputed to a want of sufficient information being laid before parliament, and to too large a degree of confidence being reposed in those ministers, who, from their duty were obliged, and from their official situation were best enabled, to know the temper and disposition of his Majesty's American subjects, and were therefore presumed most capable of pointing out such measures as might produce the most salutary effects; hence the schemes which were formed for the reduction and chastisement of a supposed inconsiderable party of factious men, have driven thirteen large provinces to despair: every act which has been proposed as a means of procuring peace and submission, has become a new cause of war and revolt; and we now find ourselves almost inextricably involved in a bloody and expensive civil war, which, besides exhausting at present the strength of all his Majesty's dominions, exposing our allies to the designs of their and our enemies, and leaving this kingdom in a most perilous situation, threatens in its issue the most deplorable calamities to the whole British race.

"We cannot avoid lamenting, that, in consequence of the credit given to the representations of ministers, no hearing has been given to the reiterated complaints and petitions of the colonies, neither has any ground been laid for removing the original cause of these unhappy differences, which took their rise from questions relative to parliamentary proceedings, and can be settled only by parliamentary authority: by this fatal omission, the commissioners nominated for the apparent purpose of making peace, were furnished with no legal powers, but that of giving or withholding pardons at their pleasure, and for relaxing the severities of a single act of parliament, leaving the whole foundation of this unhappy controversy just as it stood in the beginning.

"To represent to his Majesty, that, in addition to this neglect, when in the beginning of the last session his Majesty, in his gracious Speech to both Houses of Parliament, declared his resolution of sending out commissioners for the purposes therein expressed "as speedily as possible," no such commissioners were sent until near seven months afterwards; and until the nation was alarmed by the evacuation of the only town then held for his Majesty in the thirteen united colonies: by this delay acts of the most critical nature, the effect of which must as much depend on the power of immediately relaxing them on submission, as in inforcing them upon disobedience, had only an operation to inflame and exasperate.

"But if any colony, town, or place, had been induced to submit by the operation of the terrors of these acts, there were none on the place of power to restore the people so submitting to the common rights of subjection.—The inhabitants of the colonies, apprized that they were put out of the protection of government, and seeing no means provided for their entering into it, were furnished with reasons but too colourable for breaking off their dependency on the crown of this kingdom. To assure his Majesty, that removing our confidence from those who in so many instances have grossly abused it, we shall endeavour to restore to parliament the confidence of all his people; to this end it may be advisable to make a more minute enquiry into the grievances of the colonies, as well as into the conduct of ministers with regard to them. We may think it proper particularly to enquire how it has happened, that the commerce of this kingdom has been left exposed to the reprisals of the colonies at the very time when their seamen and fishermen, being indiscriminately prohibited from the peaceable exercise of their occupation, and declared open enemies, must be expected with a certain assurance to betake themselves to plunder, and to wreak their revenge on the commerce of Great Britain.

"That we understand, that amidst the many disasters and disgraces which have attended on his Majesty's arms in many parts of America, advantage has been gained by his Majesty's British and foreign mercenary forces in the province of New York; that if a wise, moderate, and provident use be made of this advantage, it is not improbable that happy effects may result from that use; and we assure his Majesty, that nothing shall be wanting on our part to enable his Majesty to take full advantage of any dispositions to reconciliation, which may be the consequence of the miseries of war, by laying down, on our part, real permanent grounds of connection between Great Britain and the colonies, on principles of liberty, and terms of mutual advantage.

"That whilst we lament this effusion of English blood (which we hope has not

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been greater or other than necessity required and honour justified) we should most heartily congratulate his Majesty on any event leading to the great desirable end of settling a peace which might promise to last, by the restoration of the ancient affection which has happily subsisted in former times between this kingdom and its colonies; any other would necessarily require, even in case of a total conquest, an army to maintain, ruinous to the finances, and incompatible with the freedom of his Majesty's people; we should look with the utmost shame and horror on any events of what nature soever that should tend to break the spirit of any large part of the British nation, to bow them to an abject unconditional submission to any power whatsoever, to annihilate their liberties, and to subdue them to servile principles and passive habits, by the mere force of foreign mercenary arms; because, amidst the excesses and abuses which have happened, we must respect the spirit and principles operating in these commotions, our wish is to regulate, not to destroy them; for though differing in some circumstances, those very principles evidently bear so exact an analogy with those which support the most valuable part of our own constitution, that it is impossible, with any appearance of justice, to think of wholly extirpating them by the sword in any part of his Majesty's dominions, without admitting consequences, and establishing precedents, the most dangerous to the liberties of this kingdom."

Governor *Johnstone* in very severe terms arraigned the conduct of administration in commencing the war with America. He said the affair of Long Island was by no means a matter worthy of triumph. That island was a mere out-post to New York, as New York was an out-post to America, and it would have been folly and rashness in the extreme, had the provincials attempted to maintain it. He paid general Howe and his brother very great compliments on their manœuvres in the capture of the island. He complained of the defenceless state of the kingdom, and urged the danger of a war with France and Spain. The minister's speech he declared to be an entire compound of hypocrisy. It talked of peace, at the very moment when not only all Europe, but this kingdom, gave the most evident appearances of preparation for war. That part of it which talked of giving the Americans law and liberty, he conceived to be a mere turn of wit and humour, which would not bear a serious interpretation. He spoke strongly of the falsehood of France, and the little reliance that was to be put on her professions, instancing a circumstance which happened while cardinal Mazarine was minister, when the Portuguese and Spaniards were at war together, and the latter had received repeated assurances of the pacific intentions of France, although that kingdom had actually lent Portugal troops, clothed them, paid them, and officered them. He said he did not entirely approve of the American Declaration of Independence, but affirmed that the Americans were driven to that measure by our rigorous persecution of them. We had hired foreign troops to fight against them, and they had no other way of putting themselves on a footing with us, than by throwing off the yoke, declaring themselves independent, and inviting foreign aid to defend them. They had taken every possible means to avoid such a measure; they had sent a most humble petition to government, praying relief, and couched their prayer in the strongest terms of duty and allegiance; government had rejected their petition. The mode of their declaring for independency was to be sure in some measure indefensible. The declaration of the New England government was exceedingly rude and ill-written; the language was more unmannerly and abusive than even worse treatment than what they had received would have justified; but then it must be considered as written merely to captivate the common people, and therefore a polished stile, and very scrupulous decency, were probably but trifling objects with the writer. He however as much condemned it, as he applauded that of the Pennsylvanians. He censured the late issuing of press-warrants, and declared that he was not only convinced a better mode of manning the navy might be found out, but that he was well informed the late press was carried on with great irregularity and cruelty.

Mr. *Wombwell* said, no press was better conducted than the present. He approved of the Address, and disapproved of the Amendment. He censured the Americans as a bragging, cowardly banditti.

Mr. *Wilkes*. The hon. gentleman who spoke last endeavours to mislead the House. It is certain that no pressing has at this time been carried on in the city of London, or its liberties. No press-gangs

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have dared to make their appearance in that jurisdiction. Those lawless bands of cruel banditti very prudently chose other scenes of horror and bloodshed of less danger to themselves. The city has hitherto remained in perfect tranquillity, by the vigilance, intrepidity, and noble love of liberty, which are conspicuous in its present worthy chief magistrate. The conduct of administration, Sir, in the late issuing of press-warrants, before they had tried the operation of the high bounty, is totally unjustifiable. The speech now in your hand, Sir, is so very pacific, that the large bounty of 5*l.* for every able, and 50*s.* for every ordinary seaman, promised in last Saturday's Gazette, might safely, for a short time at least, have been trusted to, the emergency not being thought very critical. From the minister's own state of public affairs there was no danger in the experiment. Much cruelty and bloodshed had been avoided, many valuable lives preserved.

The affair of Long Island has been misrepresented, and greatly magnified. The superiority of numbers was very considerable. General Howe landed 22,000 men. The provincials had only 6,000 effective men on that island. They were ordered to retreat, and 4,000 did accordingly, without being attacked, embark for the island of New York. There was a real mistake of orders as to the other 2,000, but they acted as brave men always will act under a mistake of orders; they fought. They saw the enemy, left their entrenchments, and attacked with spirit. Frem the superiority of numbers, and their flanks being neglected and unguarded, they were totally defeated. They did not however remain inactive, like cowards, on an important day of battle. No such imputation can be fixed on them. Nothing decisive can follow from the late successful affair on Long Island, no more than from the defeat at Sullivan's Island. New York will probably fall into your hands, but your situation will in that case be scarcely mended since the last year, for you then possessed the capital of North America, Boston. Is that great and important town advantageously exchanged for New York? I forgot, that we still possess the fishing hamlet of Halifax. But, Sir, we ought to take a much larger and more comprehensive view of this interesting scene, which is now fully disclosed.

The important dispute of Great Britain with her colonies has for a considerable time fixed the attention, not only of this nation, but of almost all Europe. The most essential interests of this country, and indeed of the greater part of the powers on the continent, are deeply interested in the event. The sacrifice of so much blood and treasure is to every state an object of the highest importance, to us, whose empire seems mouldering away, of the nearest concern, and I much fear we are now brought by inextricable difficulties to the very verge of destruction.

Since our last meeting, Sir, the scene, with respect to America, has totally changed. Instead of negociations with colonies, or provincial assemblies, we have a war to carry on against the free and independent states of America; a wicked war, which has been occasioned solely by a spirit of violence, injustice, and obstinacy in our ministers, unparalleled in history. In the beginning of September, in the last year, a very humble and dutiful petition was sent from the Congress to his Majesty, in which his Majesty was supplicated "to direct some mode, by which the united applications of his faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation." There was not a word in the petition but what breathed submission and loyalty, and yet the official answer of lord Dartmouth, the secretary for the American department, after long deliberation, was to the last degree irritating. It was, "that no answer would be given," that is, we will not treat, we scorn to negociate with you, we exact unconditional submission. This answer, Sir, in my opinion, might justly be called indignity and insult. It drove the Americans to despair, and with the violation of the perfidious promises in lord Hillsborough's famous official circular letter, laid the real foundation of their declaration of independency. Much has been said, Sir, of the prophecy of the ministers, that the Americans would in the end declare themselves independent. I give the ministers no credit for such a prophecy. They went on the surest grounds. They might very safely promulgate such a prediction, when they knew that the unjust and sanguinary measures, which they intended to pursue, must bring about the event. They drove the Americans into their present state of independency. The Jesuits in France risked nothing when they prophesied in 1610 the death of the best prince that ever reigned in Europe,

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within that year. Their's was the sure word of prophecy. They employed Ravillac to assassinate their sovereign.

The hon. governor attacks the American Declaration of Independency, in a very peculiar manner, as a wretched composition, very ill written, drawn up with the view to captivate the people. That, Sir, is the very reason why I approve it most as a composition, as well as a wise political measure, for the people are to decide this great controversy. If they are captivated by it, the end is attained. The polished periods, the harmonious, happy expressions, with all the grace, ease, and elegance of a beautiful diction, which we chiefly admire, captivate the people of America very little; but manly, nervous sense they relish even in the most awkward and uncouth dress of language. Whatever composition produces the effect you intend in the most forcible manner, is, in my opinion, the best, and that mode should always be pursued. It has the most merit, as well as success, on the great theatre of the world, no less than on the stage, whether you mean to inspire pity, terror, or any other passion.

The hon. seconder says, the Americans declaration of independency was no surprize to him—nor I believe, Sir, to any man of common reflection, after the frantic career, which administration pursued, with a full chorus of approbation from the majority of this House. The speech in your hand, Sir, which an hon. gentleman has well called a speech of hypocrisy, mentions the "assurances of amity, which his Majesty continues to receive from the several courts of Europe." At the beginning of the last session, the minister gave us in the King's speech more explicit assurances. It was said, "I am happy to add, as well from the assurances I have received, as from the general appearance of affairs in Europe, I see no probability that the measures, which you may adopt, will be interrupted by disputes with any foreign power." We have no such assurances held out to us this year, that our measures will not be interrupted by disputes with any other foreign power; but we have still assurances of amity, which are daily contradicted by the immense preparations of the neighbouring foreign powers of France and Spain, and indeed of the whole House of Bourbon. The accounts from Naples contain little but the vast preparations making by the king of the two Sicilies. Are we indeed credulous enough to trust to general vague expressions of politeness against the clear evidence of facts? Our ministry know very well, that an American privateer being lately stopped at Bilboa in Biscay, an express was immediately dispatched to Madrid, which returned with the fullest directions for the release of the privateer, and permission to furnish him with provisions, stores, ammunition, in short, whatever he wanted. Is Spain then one of the foreign powers, which again soothes us with these honied assurances of amity? Has fate ordained, that we are neither to possess capacity enough to profit by the example of others, nor even by our own experience? In September 1761, the Gazette told us, that "the Catholic king had at no time been more intent upon cultivating a good correspondence with England, than in the present conjuncture;" a declaration received seriously here, held out as part of the court creed, and laughed at by all the rest of Europe. In the following January, without any new facts having occurred, war was declared by England against Spain. Will the plausible, smooth-tongued French likewise be able to lull us into a fatal security against the evidence of all history? Can we expect to be treated by them in any other manner than the Spaniards were at the time of the famous revolt of Portugal? The French sent whole regiments, completely officered, into the service of the house of Braganza. They paid them underhand the same as their national troops, yet all the while declared their abhorrence of rebellions and of rebels, issuing proclamation after proclamation, and recalling their deserters under the most severe penalties. Sir, there is not a power in Europe, unsubsidized by Great Britain, which does not wish success to the Americans; and we are considered almost every where on the continent, in the odious light of tyrants and oppressors.

The speech, Sir, states, that "if treason be suffered to take root, much mischief must grow from it to the safety of my loyal colonies." Alas! Sir, what we call treason and rebellion, and they just resistance and a glorious revolution, has taken deep root indeed, and has spread over almost all the American colonies. In this very speech we are told of their numbers, their wealth, their strength by sea and land. We have now been carrying on for two years a savage and piratical, as well as an unjust war. Every demand of government has been complied with, and yet the

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great force employed both by sea and land has not hitherto recovered a single province of all the confederated colonies. On the contrary, the evil grows more desperate. The last year only twelve colonies humbly petitioned the throne. This year, by the accession of Georgia, we have seen a fœderal union of thirteen free and powerful provinces asserting their independency as high and mighty states, and setting our power at defiance. This was done with circumstances of spirit and courage, to which posterity will do justice. It was directly after the safe landing of your whole force. In return we have barbarously plundered their coasts, and set fire to their open towns and defenceless villages, in a manner which disgraces the English name. In the midst of all the cruelties, terrors, and devastations, which follow your arms, the spirit of the Americans is still unsubdued, and I hope, and believe, you never will conquer the free spirit of the descendants of Englishmen, exerted in an honest cause. They honour and value the blessings of liberty. They are determined to live and die freemen, notwithstanding the vain efforts of every arbitrary power in Europe. It is a foolish attempt to think of conquering and holding the immense territory of North America, when the whole country is united against us.

As to our unanimity at home, Sir, the very idea is absurd, because impossible, while the present system of injustice and oppression continues in its full rigour. The American war is unjust, and unconstitutional in its first principle, and, if persisted in, must end in our ruin. We have neither force to conquer, nor strength to maintain, such extensive conquests, if we could succeed. Our situation is become truly critical. The constitution of this country is at home sapped by bribery and corruption. On the other side of the Atlantic it is assailed by violence and force of arms. The too fatal success in this devoted nation is very evident, but in the new world, I trust, as a friend of mankind, that all the despotic measures of a tyrannical administration will prove ineffectual. It is impossible for this island to conquer and hold America. They are determined and united. Your fleets may indeed every year carry horror through all their coasts. Your armies may possess some sea-port towns, but the numerous and greatly increasing people of the provinces will retire into the interior parts, of which you have already had some experience. Peaceful towns and villages will cover their fruitful plains, liberty will fix her blest abode among them, the unmolested, happy inhabitants rejoicing that they are *procul à Jove, procul à fulmine*. I heartily agree in the amendment; but I go farther, and my opinion is, that if we expect to save the empire, to preserve, even for a short period, Canada or the West India islands, or to recover any part of the immense territory we have lately lost, we must recall our fleets and armies, repeal all the Acts injurious to the Americans passed since 1763, and restore their charters. We may then, if they will forgive, and can trust us, treat with them on just, fair, and equal terms, without the idea of compulsion, and a foundation be laid for the restoration of peace, internal tranquillity, and unity to this convulsed and dismembered empire.

Mr. *Temple Luttrell* said, that he so widely differed from the hon. member who moved the address, that he should feel himself highly culpable, were he to sit still till the close of the debate, and content himself to be numbered with the silent votes in its disfavour; there was, however, no doubt of its being carried by a large majority; for those court-retainers and dependants on government, who had this campaign reaped a golden harvest from the calamities of their country, would see in the speech, the best earnest of a no less plentiful harvest of the same sort the ensuing summer. For his part, he considered the speech to be an infamous libel, fabricated by a tyrannical faction, against some of the most valuable members of the British community, who, actuated by principles of justice and honour, were nobly contending on the other side of the Atlantic, for the dearest rights of mankind; and who, limiting their resistance to a redress of real and essential grievances, were falsely accused of having, from the beginning of this unhappy contest, had no other object in view than anarchy and independence. It was a custom among the ancient Persians (in later times adopted in the kingdom of Naples) to cover their tribunals of justice with the skins of corrupt lawyers, whom they flayed alive. Were a similar example to prevail within these walls, and the seats around us to be clothed with the skins of corrupt statesmen, I fear, Sir, there are not a few gentlemen on your right hand would catch their deaths of cold before the end of the approaching winter; I should tremble this

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night for a long group of pensioners, contractors, pay-masters, treasurers, &c. &c. who will walk forth into that lobby, in order to bring up an address to their sovereign, beseeching that he will persevere to plunder and assassinate his subjects, and totally to extinguish the vital spirit of that free constitution, on the maintenance of which alone rests his claim to the throne of these realms.

The hon. governor has justly observed, that the address moved for by government is an echo of the speech imposed on their royal master; it occurs to me, Sir, that the Speech itself is, in many of its most striking passages, an echo to the continental remonstrances, and declarations of independency: for instance, "they have rejected, with insult and indignity, every offer of accommodation;" this is verbatim the charge brought against the mother-country by the oppressed colonies. They likewise declare, that "it would be rash to put an end to their plan, when they have every reason to pursue it;"—that "it is a contest of the last importance"—"a war, not of ambition, but necessity"—Good God, Sir! state this argument, on our part, in other language, without perverting the sense, and it will stand thus—You are ambitious to maintain the rights of free-born Britons, and it is necessary we should have an army of foreign assassins, and use every barbarity to render them slaves. Omnipotence on one side, Sir, must imply slavery on the other. When news was brought to Agesilaus, king of Sparta, during a civil war in Greece, that a bloody fight had happened near the city of Corinth, but that the Spartans were victorious, and the number of their troops killed inconsiderable, compared with the loss of the enemy, instead of exultations of joy, that wise and humane monarch, with a deep sigh, cried out, "Oh, unhappy Greece! to have slain so many of thy best warriors with thine own hand, who, had they lived, might have proved a match for all the barbarians in the world!" I am credibly informed, Sir, that when our most gracious sovereign received news of the unhappy conflict at Long-island, he broke forth in an exclamation of a like philosophic and generous nature, lamenting, that Great Britain should destroy so many of her brave men with her own hand, who had they lived in mutual concord, might have set at defiance the united force of our natural enemies, the Bourbon states, at this hour threatening us with an invasive war. Confident as I was, that such ideas perfectly coincided with his Majesty's known humanity of heart, I did not conceive it possible that the most flagitious minister of the bloody junto would dare to advise a continuance of these ruinous measures, and propose a speech from the throne, evidently dictated by despotism, hypocrisy, and infatuation. I, Sir, entertained hopes of healing propositions, and a timely dereliction, on the part of this country, of its unjustifiable and empty claim of taxation; that efficient cause of the civil war, and which, if made an ultimatum of your terms of peace, cannot fail to accelerate the downfall of your empire. For the Commons of Great Britain to support so desperate a purpose at the point of the sword; at the present alarming crisis too; the French and Spaniards preparing for a rupture, and the nation sinking under an enormous debt of 150 millions, argues folly in us beneath the unlettered parliament, madness beyond the insane parliament, and a blood-thirsty spirit of enterprize above any of the proscribing, chivalrous parliaments, under the worst of the Plantagenet-tyrants.

The force and prosperity of every nation depends, in great measure, on its populousness. "The Romans," says a learned author, "destroying others, were at length themselves destroyed; continually in action, and embarked on the most hazardous attempts, they wore out, like a weapon kept constantly in use." Whoever will duly reflect on the state and transactions of this our nation, within the last twenty years, will find her much reduced in number of inhabitants; not only from the efforts of the late war, but from her extensive maritime and commercial emigrations—her garrisons and settlements in the remotest and most extreme corners of the globe—her enterprizes in the East-Indies, and many debilitating home manufactories that administer to the luxuries of the great, unthought of in ancient times; neither are we at all behind the heathen-world for the waste of debauchery and intemperance. In the midst of these various drains, is our little choleric island entering upon a war of the most inveterate nature, and for an unattainable object—a war, that were you peopled like the dominions of China, and disciplined by the prolific morality of the primitive disciples of Lycurgus, must ere long totally annihilate your empire. "Nature," says Montesquieu, "having made men equal, reason

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can never make them dependent, unless where it is necessary to their happiness." I shall add, that an appeal must ever hold, in equity, to the common sense of living societies, from the compacts or institutions of the dead.

Thus much may of a truth be advanced in favour of the Americans: partners with you in the triumphs of a most glorious foreign war, and in all those national benefits acquired by your joint exertions and prowess, they stood firmly cemented to you by affection, as well as consanguinity. Perhaps, Sir, there are deep founded civilians, whose rules might have held them justified long ago, in saving their rising fortunes from your sinking fate, and in an absolute separation from your dominion, were it only upon that fundamental principle which ought to govern human societies, as well as individuals—the law of self preservation. They might, indeed, have urged a plea of insanity against the parent country, whose folly, ambition, and rapaciousness, were proceeding with gigantic strides, to destroy one common stock of happiness, the joint property of all the members of this distracted empire: neither was such abundant happiness to be found, I believe, in the lot of any mortal society since the beginning of the universe. A faction of despots presiding over your ostensible government, fitter for the cells of Bedlam than the efficient cabinet of a limited monarch, whose sole right to his diadem, is a right of election from the people—and the end of that election, to guard inviolate the liberties and properties of all his subjects—though the colonies beheld such alarming evils, and another dependent country (Ireland) shamefully trampled upon, suffering injuries and indignities too numerous and glaring to need a recital—and which country, by the way, never deserved a like treatment at your hands, unless to bear it be to deserve it. I say, Sir, though the Americans clearly saw these things, it was with an eye of affliction, and rather with the tear of pity given to your public degeneracy and fascination, than the least spark of anger: but when you followed those distant enormities, by bringing home to their own thresholds, the hand of rapine and tyranny—when you with a remorseless violence were preparing to wrest from them every blessing to which they were unalienably entitled, as British subjects and freemen, substituting instead, a constitution never attempted to be imposed on any spot of Christian earth, but by a banditti of highwaymen on the heaths of Bagshot or Hounslow—"Give me your money, or I'll blow out your brains;"—then, Sir, it was surely high time, if they felt like men, and like Britons, to act with a spirit of fortitude becoming men, and becoming Britons. From what accursed examples our prevailing system of politics is drawn, I am at a loss to discover; I can conceive there is nothing of a similar complexion, amidst all the voluptuous annals of mankind, unless it be met with in the memoirs of Dionysius, tyrant of Syracuse. Sir, that monster being determined upon the ruin of the free people of Reggio, imposed on them certain exactions, with which he was persuaded they had not the ability to comply—hence he founded a pretext to invest their territories with a formidable army; after a gallant and desperate defence, they were reduced to an unconditional surrender: Dionysius then laid their city in ashes; condemned many of the principal inhabitants to cruel tortures, and sold the rest for slaves by beat of drum, to the highest bidder in a public market-place. How happy, Sir, would it make our first lord commissioner of the Admiralty, were he appointed drummer at the city of New York on a like occasion!

To invocate the special interposition of Providence in such an infernal undertaking, is the most profligate excess of blasphemy; but, however the mercenaries of government may this day act, I hope the independent country gentlemen will join with me to implore the God of clemency, that he will exorcise this demon of discord and violence, which has too long inspired our deliberations, and presided over the public counsels of every branch of the British legislature. May that God at length open our eyes and our hearts, to the true interests of our country!—I approve of the Amendment, because I think it bids fair to save both countries from destruction, and to restore perfect concord to the contending parts of this distracted empire. If you empower the commissioners in America to propose peace on equitable conditions, I make no doubt, but by so laudable a step, you will obtain from your colonies, through the Howes, as fair and magnanimous an answer, as that which was sent from the Falerii to the Roman senate, by the great Camillus: "The Romans in having preferred justice to conquest, have taught us to be satisfied with submission instead of liberty."

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Sir *Herbert Mackworth* professed himself to be one of the independent country gentlemen, and declared, he feared that matters were much misrepresented; that he did not like to hear gentlemen so ready to find a plea for the Americans on every occasion, and even when they were beat, to hunt after a reason to shew that they could not avoid it, and that some particular circumstances occasioned it. He was ever most clearly against that House attempting to tax America, as America was not represented in that House; but he thought it highly necessary to maintain the right; and that it was but reasonable she should contribute something in return for the millions she had cost this country. As an ancient Briton, he felt for the honour of his country, and therefore wished her success; not but he would be glad that a proper treaty for reconciliation was on foot, and, he owned he cared not whether it was with rebels in arms or without them. He was against the Amendment.

Mr. *T. Townshend.* I do not rise, Sir, to discuss that humourous paragraph, which the ministers have thought proper to insert in his Majesty's Speech; calling for the unanimity of this House, and of the nation at large. I call it humorous, because it would be ridiculous in any one to consider it as serious. We have, thank God, a very witty minister, and he has thought proper at this time, when the generality of the world think this country in a situation, that ought to make the boldest man among you tremble, to treat us with a joke. It would be doing the composer of the speech great injustice to suppose, that he meant in earnest to assume, that we must now be unanimous. If he were, what must be his logic? Must he not reason thus? Gentlemen, you and all the world foretold last year, that the measures of administration would bring the affairs of America into the unhappy state in which we now see them; that they would force the Americans to a declaration of independence; and you urged those natural consequences as reasons for opposing such measures. The consequences you foretold have happened: come then, give us now your confidence, and be unanimous in your support of the same men, in the prosecution of the same system. To say that the measures of last year did not tend to this end, seems to me absurd to the last degree. What did you do by your language in every debate, and by the provisions of every Act that you passed? Did you not declare them out of your protection? Did you, even in your acts of parliament, so much as affect to distinguish between the innocent and the guilty?

In this situation, ministers think proper to trifle with the House. I never saw such a scene on the first day of a session, in a most important hour, as I have seen to-day. Ministers do not think themselves bound to give answers to the questions that have been put to them by many respectable gentlemen: nay, they do not even preserve the least appearance of attention; they do not keep their seats, they walk about the House, or out of the House. I really thought some time ago, that the minister in the blue ribbon had left the House entirely, and meant to depute the care of the division to his clerks and secretaries, who might afterwards report the numbers to him at his own house. Such treatment, I believe, a House of Parliament never experienced at any time, at least not at so important a period; a period, when we may possibly have reason to expect, that before many months are over our heads, this country may be in a state of as much confusion and desolation as now prevails in America, in consequence of our past measures.

I will now venture to put a few questions to the administration. I must ask, then, what means that part of the speech, which tells us, that all the powers of Europe are in amity with us, but that we must put our forces in a respectable state? Is not France arming? Is not Spain armed? Has not the former called for the registered seamen? Has she not swept her coasts by a press? Does there remain even a fisherman on the coast opposite to us, fit for the king's service, who is not marching, or under orders to march to Brest? Has she not an equipment at Brest ready to sail? Have we not pressed, and are we not putting a fleet of men of war into commission? I have been told that the court of France have been asked the reason of their arming, and that the answer our court received was, that we were armed ourselves, and in so formidable a state, that we should immediately subdue America, and that they were jealous, that in the career of our glory we should fall upon them. If that is true, I must suppose the minister of France to have been in as facetious a humour when he sent that answer, as our minister was, when he composed that part of his Majesty's speech, which assumes, that we must be unanimous in this

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day's debate. I must confess, that till I receive a little satisfaction upon these points, I shall continue to think this country in the most perilous situation. When I consider our army in England, our army in Ireland, what are the numbers, and of what raw men they are composed, I own, I tremble. Surely our militia alone, in its present condition, is not to be trusted as the only defence of this country. It is not like what it was during the last war. The militia marched out from their counties, regiment by regiment, according to the state of their discipline, and their fitness to take the field. They had had the assistance of two or three officers from the army, in training each separate battalion. Now they will be called out all at once, and without these assistances. Add to this, that without any reflection upon the present gentlemen who bear commissions in the militia, they have not a fourth part of the weight and property among them, that they had during the war. Now, Sir, as those essential qualities in officering a militia are not counterbalanced by the least superiority in military skill, that body of men are, in my opinion, not by any means so much to be depended upon.

As to the state of the navy, there are one or two very striking features in it, that differ much from what we saw last war. We had 12 or 13,000 Americans in our navy. It is unnecessary to say where they are now. They are making reprisals upon our defenceless trade. We have besides, about 15,000 seamen in our fleet in America. What a draught from the general naval force of this country! We have, as you are told, a very fine fleet of ships of the line: but can ships of the line protect your trade, or alone prevent an invasion? Where are your frigates and sloops? Almost all in America. I have been told, and by men who sat many years at the board of Admiralty, with, perhaps, the greatest officer this country ever saw at the head of its navy, that in times of an apprehended invasion, fifty, sixty, seventy of these frigates and sloops were constantly and necessarily employed. What proportion of them can you now command?

In the last war, the French had other objects to think of, besides an invasion of these islands. You had an army in Germany, that held at bay, and found ample work for 150,000 of the best troops in France. What chance have we now of such a diversion of their force? They seem to me to have before them, the full choice of every circumstance that a nation can wish for, that have a constant rival, and almost as constant an enemy to deal with. They may chuse the scene, the mode, and, if I may use the expression, the degree of war they please. The fleet of Spain may sail to America, while the troops and fleet of France may either threaten or attack this country. If they march their troops down to the coast, it will be sufficient to strike almost a fatal blow to the credit of this country, at the same time that your fleet in America will be at the mercy of the Spaniards. For what can lord Howe's frigates do against ten or twelve men of war of the line?

The disputes between Spain and Portugal are hinted at in the speech. If that difference proceeds to an open rupture, if France and Spain jointly, or either of them separately, attack that country, we are bound by treaty to assist Portugal with considerable succours by sea and land. The commerce of this country with Portugal has been always looked upon as an object of importance; it may be something less beneficial now, than it used to be, but still it is of great moment to us. Can you in your present situation protect it? Can you perform your engagements, and attempt to prevent that country from becoming a province of Spain? What a figure will this country make, if it is obliged to declare in the face of all Europe, that it is not in a condition to fulfil its treaties (a disgrace which never before stained the annals of this country!) and to suffer Portugal, once the source of a trade extremely beneficial to us, to be over-run by the princes of the House of Bourbon, and perhaps to become a province of Spain.

The worthy member who spoke last, threw out a sort of a challenge: do not declaim, but shew me, when this House has inflicted any hardship upon America. I must recommend to the gentleman to take one or two of the volumes of statutes of the two last years, and peruse them. He will find them full of such laws as never made a part of any statute-book before. He will find, that we have put the colonies totally out of our protection: that we have forbid them the exercise of any trade but that of arms, and have by those means forced them to take up those arms and use them against ourselves: that we professed to involve the innocent subjects of America with the guilty: that our restrictions did not only deprive them of trade but

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even of food. In this situation we are to wonder at their declaring themselves independent. Sir, the worthy member has likewise accused somebody of taking every opportunity of extolling the bravery of the American troops and officers, and at the same time of wantonly censuring the behaviour of our own officers and troops. As to the affair of Long Island, as the action happened, I am glad to find it attended with so little loss on the side of general Howe. I own I am wicked enough to wish that fewer Americans had fallen. There are disagreeable reports on that subject. I hope the ministers will be able to convince us, that it is not true, that 1,500 of them were killed in cold blood. When I came to town the day the news arrived, I heard that fact asserted with exultation, avowed and justified. Afterwards, I heard it upon a little cooler reflection, palliated and accounted and apologized for: I understand that to day it will be denied. As I do not pretend to be certain of the fact, I will not even hint at the body of troops, by which it is supposed to have been committed. I have never been disposed to make free with the characters of officers absent and upon service. I am sure, I am not one of those who have cast those reflections, alluded to by an hon. gentleman, upon the conduct of sir Peter Parker. I have always heard him reckoned an able officer; he has undoubtedly, in the affair of Sullivan's Island, shewn himself a brave man. It is impossible for one so ignorant of naval affairs as I am, to judge of the propriety of the attack. But where is the character of general Clinton? as amiable and respectable a man, and as gallant and enterprising an officer as any in the service. And yet, judgment formed by mankind from the accounts published by government is not in his favour. He appears, by their accounts, to have been nineteen days on Long Island, before he found out the channel was seven feet deep instead of eighteen inches. General Clinton in the last war attached himself to the hereditary prince of Brunswick, a service, that would not have been chosen by a man, that had not the spirit of enterprize. In such a school he was not likely to decline any fatigue or danger, by which the service, upon which he was ordered, might be advanced. Nor did he deviate from his former conduct upon this occasion: though the accounts that have been published and the reports spread by every member of government may have drawn upon him the censure of unthinking men. Sir, I have seen such accounts, as authorize me to say, that he examined the channel or ford, as it has been erroneously called, the day he landed, and that he sent an account of it to the commodore. He sounded it with his own person as far as he could. If I advance what is ill-founded, let me be contradicted. But I am confident no man can contradict me. If I am right, how injuriously he has been treated! The worthy member exclaims with propriety against liberties taken with the characters of absent officers, but let him remember the quarter from whence the injury comes, and direct his censure accordingly.

There is, I think, one part of the speech which mentions a discovery of the original designs of the leaders of the Americans. In God's name, who made them leaders? How came they to be so? If you force men together by oppression, they will form into bodies, and chuse leaders. Mr. Hancock was a merchant of credit and opulence when this unhappy business first broke out. Men in that kind of situation are not very prone to a change of government. I think I have sometimes heard a few old women say, that the civil war of the last century was originally contrived by Cromwell; that the first opposition to Charles 1, was begun in order to advance Cromwell to the protectorship. It is a sagacity and penetration of the same kind that has now happily discovered the original views of those who now are the leaders of the Americans.

Some gentlemen have been jocular upon the ribbons and other honours conferred by the Congress. They have, however, hardly distributed honours with a less sparing hand than the ministers have done. I believe, since the good days of king James 1, there never was so great a profusion of honours, as within this half year. One Gazette announced no less than 52 honours conferred in Ireland. The great seals of England and Ireland have been set to 46 patents of peerage within these few months. Some of them, I believe, supposed not to be quite consistent with the Act of Union. But, Sir, I am deviating from the business before us: I rose for the purpose of asking the few questions which I have ventured to submit to those, who in other times would have been thought under some degree of necessity of answering them. I shall not be

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much surprised to find my questions treated as those offered by other gentlemen have been. However, if I can procure a satisfactory answer to them, I shall think myself amply repaid for the trouble I have taken.

Lord *North*. I think it proper to deliver my sentiments thus early, because should I defer my intention for only half an hour longer, the House may probably forget one of my prime inducements for rising to trouble you. It is, Sir, to meet the charge made against me by the right hon. gentleman who spoke last, lest it may go forth, that I neglected my duty in this House, as a member or a minister; lest, Sir, an absence of ten minutes, on a pressing call of business in the course of a debate, which will probably continue fourteen hours, should be represented as a desertion of my post, in the moment of difficulty. I may, Sir, be deficient in many respects, but of all wants I never imagined that a want of respect, diligence as a member, or attention to this House, would have swelled the long catalogue. I am yet to learn, that the behaviour of a member, relative to these personal *minutiæ*, was ever esteemed a fit object of parliamentary animadversion, or matter sufficiently important to incur public reprehension.

It has been more than once objected this night, that I have since the commencement of the present troubles, held back such information as became necessary for you to know, in order the better to be able to decide upon measures proper to be pursued, relative to America. Nothing can be more unjust and ill-founded than this charge. I have been ready at all times to communicate every possible information that could be given with safety. I repeat with safety, because the disclosure of the full contents of letters, with the writers' names, would not only be impolitic, but might be fatal to the persons immediately concerned.

Several hon. gentlemen have proposed questions, which I think an attentive perusal of the speech would have prevented them from putting to me. His Majesty says, he has received assurances of amity from the several courts of Europe; yet he has thought it necessary to prepare himself against any sudden attack. The assertion is, I contend, strictly true; I am answerable for its veracity; for I advised in concert with the rest of his Majesty's servants, the passage now objected to. His Majesty has received those assurances; but he has not thought it prudent entirely to rely on their contents. It is well known that Spain and Portugal have been for the last year on the point of differing about the frontiers of the Brazils. It is equally true, that his Majesty has interposed his good offices as a mediator. This interposition promises to terminate happily; it is however, impossible to tell what turn the affair may take. From the present assurances of the court of France, we have every reason to be satisfied of their pacific intentions; should it nevertheless prove otherwise, I can from my own knowledge, assure this House, that we are prepared for the worst, and that our preparations have been such as to enable us to cope with any enemy who may be inclined to molest us. It has been said, that we are stripped of our home naval defence; that though we should procure seamen, and have a sufficient number of line of battle ships ready for sea, the absence of our frigates would prevent us, for some time, at least, from carrying on any effectual naval operations. To this, a very short answer will suffice: we have several frigates at home; there are some building; and if it were not so, we could procure a sufficient number to answer every purpose we want, or wish at present to effect. The armament going on in France, which has been this night so mightily magnified, is but a small one. It consists of six ships of the line and four frigates. They are, it is true, putting their navy on a respectable footing; they have made a demand on the registers. These preparations import nothing directly hostile; their assurances of their pacific disposition towards us are as strong as words can make them: but I repeat once more, that his Majesty's ministers have thought proper to advise him to the present armament, by way of precaution.

Two or three hon. gentlemen have charged me with stuffing the speech with wit and humour, hypocrisy, deceit, and absurdity; some on account of the word "unanimity;" others for the following passage, "my desire is to restore to the people of America the blessings of law and liberty." Now, I see no wit or humour in either of the passages alluded to, but the deductions of plain reasoning and common sense; by unanimity, it cannot be supposed was meant a total union of sentiment, on every side of the House; it could hardly be imagined or expected; it meant great and decisive majorities, mino-

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rities consisting, perhaps, of thirty or forty members. As to the hypocrisy charged on the other passage, wherein his Majesty expresses his desire to restore his subjects to law and liberty, that I think is, if possible, worse founded; instead of being absurd or hypocritical, it is supported by fact, and as sound logic as the English language is capable of conveying. Is not law and liberty fled from America? Can it be said so of this country? The debate of this day has fully proved it cannot; and I beg leave to remind the gentlemen, who have thrown so many reflections upon administration, that they would soon find the difference of the two countries, had they dared to make so free with the congress. I cannot, however, but applaud the spirit which has dictated those severities: I am pleased with that spirit of enquiry which has manifested itself, though it be a licentious spirit; and I wish it to continue, though I am destined to be the object of attack. I cannot agree with the amendment proposed, because it desires his Majesty to set on foot a tedious enquiry to no purpose, to procrastinate events which in all probability will soon be produced, and render fruitless every favourable operation which has already taken place. It has always been my wish, and that of every other servant of the king, to bring matters to as early an issue, and with as little bloodshed as possible; to use the present successes and victory, if it were gained, with prudence and moderation, and rather as a means of cementing a lasting unity and amity, than as objects of triumph, or instruments for forging the chains of slavery, or excuses for tyranny or oppression.

Col. *Barré* observed, that there was one question which had been put in the course of the debate, which the noble lord had wholly neglected to answer. In order to give him an opportunity of speaking to it, he would therefore then put it, and sit down, without proceeding further, that the noble lord might give the House that satisfaction which he doubted not, many of them wished to receive. The question was, "What powers were general and lord Howe invested with, as his Majesty's commissioners to treat with America?"

Lord *North* immediately said, that their commission had lately been published in the Gazette, and that nothing relative to the business had been concealed. His lordship read part of the commission, and said, he knew of nothing more, unless indeed some direction relative to prisoners.

Colonel *Barré* again rose, and pulling a paper out of his pocket, declared, he had in his hand an account of what passed at a conference between lieut. colonel Patterson and general Washington, when colonel Patterson was dispatched with general and lord Howe's letter; that the account was printed in America, but that it bore evident marks of authenticity, although indeed it did not come directly to his hands; for he could positively say, that no letter directed to him, and sent from America, ever reached him. He commented on the account in his hand, declaring his high esteem for colonel Patterson, with whom he had the happiness to be acquainted, and asserting, that he was a man of the first honour in the service. He said, the account he was going to read did colonel Patterson infinite credit—He then read the following paper, from the New-York Gazette of the 5th of August:

"The following is an exact state of what passed at the interview between his excellency general Washington, and colonel Patterson, adjutant-general of the army under general Howe, July 20, 1776.

"After usual compliments, in which, as well as through the whole conversation, colonel Patterson addressed general Washington by the title of Excellency; colonel Patterson entered upon the business by saying, that general Howe much regretted the difficulties which had arisen respecting the address of the letters to general Washington; that it was deemed consistent with propriety, and founded upon precedents of the like nature by ambassadors and plenipotentiaries, where disputes or difficulties of rank had arisen; that general Washington might recollect he had, last summer, addressed a letter to general Howe, to the hon. William Howe, esq. that lord Howe, and general Howe, did not mean to derogate from the respect or rank of general Washington; that they held his person and character in the highest esteem; that the direction, with the addition, &c. &c. &c. implied every thing that ought to follow. He then produced a letter which he did not directly offer to general Washington, but observed, that it was the same letter which had been sent, and laid it on the table, with the superscription to George Washington, &c. &c. &c. The general declined the letter, and said, that a letter directed to a person in a public character, should have some description or indication of it, otherwise it

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would appear a mere private letter; that it was true the &c. &c. &c. implied every thing, and they also implied any thing; that the letter to general Howe alluded to, was an answer to one received under a like address from him, which the officer on duty having taken, he did not think proper to return, but answered it in the same mode of address; that he should absolutely decline any letter directed to him as a private person, when it related to his public station. Colonel Patterson then said, that general Howe would not urge his delicacy any further, and repeated his assertions, that no failure of respect was intended. He then said, that he would endeavour, as well as he could, to recollect general Howe's sentiments on the letter, and resolves of Congress, sent him a few days before, respecting the treatment of our prisoners in Canada, and that the affairs of Canada were in another department, not subject to the controul of general Howe, but that he and lord Howe utterly disapproved of every infringement of the rights of humanity. Colonel Patterson then took a paper out of his pocket, and, after looking it over, said, he had expressed nearly the words. General Washington then said, that he had also forwarded a copy of the resolves to general Burgoyne. To which colonel Patterson replied, he did not doubt a proper attention would be paid to them, and that he (general Washington) was sensible, that cruelty was not the characteristic of the British nation. Colonel Patterson then proceeded to say, he had it in charge to mention the case of general Prescot, who, they were informed, was treated with such rigour, that, under his age and infirmities, fatal consequences might be apprehended.

"General Washington replied, that general Prescot's treatment had not fallen under his notice; that the persons under his particular direction, he had treated with kindness, and made their situation as easy and comfortable as possible; that he did not know where general Prescot was, but believed his treatment was different from their information. General Washington then mentioned the case of colonel Allen, and the officers who had been confined in Boston gaol. As to the first, col. Patterson answered, that general Howe had no knowledge of it, but by information from general Washington, and that the Canada department was not under his direction or controul; that as to the other prisoners at Boston, whenever the state of the army at Boston admitted it, they were treated with humanity and even indulgence; that he asserted this upon his honour, and should be happy in an opportunity to prove it.

"General Washington then observed, that the conduct of several of the officers would well have warranted a different treatment from what they had received; some having refused to give any parole, and others having broke it when given, by escaping, or endeavouring so to do. Colonel Patterson answered, that as to the first, they misunderstood the matter very much, and seemed to have mistook the line of propriety exceedingly; and as to the latter, general Howe utterly disapproved and condemned their conduct.

"That if a remonstrance was made, such violations of good faith would be severely punished; but that he hoped general Washington was too just to draw public inferences from the misbehaviour of some private individuals; that bad men were to be found in every class and society; and such behaviour was considered as a dishonour to the British army. Colonel Patterson then proceeded to say, that the goodness and benevolence of the King had induced him to appoint lord Howe and general Howe his commissioners to accommodate this unhappy dispute; that they had great powers, and would derive the greatest pleasure from effecting an accommodation; and that he (colonel Patterson) wished to have this visit considered as making the first advances to this desirable object. General Washington replied, he was not vested with any powers on this subject, by those from whom he derived his authority and power. But from what had appeared and transpired on this head, lord Howe and general Howe were only to grant pardons; that those who had committed no fault, wanted no pardon; that we were only defending what we deemed our indisputable right. Colonel Patterson said, that would open a very wide field for argument. He then expressed his apprehensions that an adherence to forms was likely to obstruct business of the greatest moment and concern.

"He then observed, that a proposal had been formerly made of exchanging governor Skene for Mr. Lovell; that he now had authority to accede to that proposal. General Washington replied, that the proposition had been made by the di-

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rection of Congress, and having been then rejected, he could not now renew the business, or give any answer, till he had previously communicated it to them.

"Colonel Patterson behaved with the greatest attention and politeness during the whole business, expressed strong acknowledgments that the usual ceremony of blinding his eyes had been dispensed with. At the breaking up of the conference, general Washington strongly invited him to partake of a small collation provided for him, which he politely declined, alledging his late breakfast, and an impatience to return to general Howe, though he had not executed his commission so amply as he wished. Finding he did not propose staying, he was introduced to the general officers, after which he took his leave, and was safely conducted to his own boat, which waited for him, about four miles distant from the city.—Made public by order of Congress,

"JOHN HANCOCK, President."

Colonel *Barré* demanded of the ministers, why some account of this matter had not been given the public through the channel of the London Gazette? He said it was that scandalous concealment of intelligence from the public, which roused his warmth; that from the account he had just read it was plain, the ministers had been bold enough to break through an act of parliament, for that in that very House the Act had passed but last session, limiting the powers of the commissioners sent to America, and rendering their commission altogether ineffectual. That he should have applauded them for their spirit in daring to violate the law, had the violation produced a salutary effect. That he had last year told them what would be the consequence of their sending such commissioners, under such an Act of parliament; that he had advised them to send a trumpet from camp to camp, previous to any action; that the House, he was proud to say, had approved of that advice, and that he was sure it would have been more effectual, than a ridiculous attempt at a treaty, overlaid by absurd forms and idle punctilio. He turned from this, to what he called another important subject, the tremendous appearance of a war in Europe, and told the House in a most peremptory tone, that a war of the most serious kind threatened this country, a war from the united powers of France and Spain. That the attack would shortly be made, and made within the hearing of those who then sat in the House. A laugh arising from the opposite benches, the colonel observed with some warmth, "Gentlemen may laugh, but I dare aver, that those who laugh now, will, in the moment of danger, be lying, in tears, on their backs, like cowards." He then declared, that France was full two months before-hand with us in preparation, that we were, in fact, defenceless, unable to make any resistance should she soon begin; that the noble lord shifted his ground so often, that there was no dependence on his information; that even now he had said, he relied on the present assurances of the pacific intentions of France, but that he did not know how soon she might alter her intention.

Lord *North* declared, that he firmly believed the court of Versailles: but as he was no prophet, he would not answer for events six months hence. He complained of having his words watched, and thrown perpetually in his teeth.

Col. *Barré* declared he ever would watch the minister; that it was extraordinary, indeed, if the noble lord high in office, and the ostensible minister, expected his words would not be watched. The minister of this country ought always to have information sufficient of what the French were about to undertake, to promise for six months; if he could not, his neck ought to be brought to the block. The situation of the affairs of this country was tremendous: he spoke it with fear and trembling, but this country seemed to be near the crisis of her fate; he advised the Treasury-bench, therefore, to look about them, and as there was one question which demanded an immediate answer, he would then put it; "Had the King's ministers information of a particular species of armament preparing by the French in those ports of France which were immediately opposite, and nearest to this kingdom?" The question was clear and comprehensive. He put it roundly, and it required immediate explanation. If it was not answered, the silence of the ministry would operate in his mind as fully as any answer they could give; if they had not the necessary information, they were not fit for their posts, and ought to hold them no longer. He entered into the state of our naval power, summing up the number of men of war in our ports, and the guardships, which he declared had none of them their complement of men on board. He

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asserted, that we were by no means a match for the united force of France and Spain. He recommended to the ministry, at any rate to make up matters with America; he observed we had in the last war 12,000 seamen from America, who would now, should France attack us, be fighting against us; that all the useful part of our navy was on the coasts of America; in fact, that matters were so bad, that unavoidable ruin hovered over this devoted country. Recall, therefore, he said, your fleets and armies from America, and leave the brave colonists to the enjoyment of their liberty. [This created a louder laugh than the former among the occupiers of the several official benches; which irritated the colonel so much, that he reprehended the Treasury-bench in terms of great asperity; he arraigned them with a want of manners, and declared, he thought professed courtiers had been better bred.] He then again denounced vengeance, and bid the ministry appoint proper officers; the fleet, he said, ought to be commanded by a brave man then in the House, an admiral who had once already saved his country; the admiral he meant was his honourable friend near him, admiral Keppel; he said, he knew he was out of order in naming a member, but on such an occasion he thought himself justified in mentioning so brave an officer. At length having held up a most tremendous picture of impending mischief to his country, he repeated his question to the Treasury-bench, and sat down, deploring the infatuation of government, and asserting, that a majority of votes in that House would never conquer France and Spain, however they might procure the minister a momentary triumph, and make him a welcome guest at St. James's.

Admiral *Keppel* said, that things had an extreme disagreeable appearance. He asserted, from the most authentic information, that Spain had 25 ships of the line, but believed them to be ill-manned with marines. In respect to France, it was otherwise. Their registers commanded seamen, and their military force was known to be sufficient to furnish any number of men they might want, to serve on board their ships of war. He concluded with lamenting, in case of a rupture with France or Spain, the absence of that useful and necessary part of our naval force, our frigates and sloops of war.

Lord *George Germaine*. Relative to the state of our armament, the right hon. gentleman is much mistaken in saying the 23 ships are not half manned. They want, Sir, only 1,500 of their full complement, and 12 are fully manned: so that there are no reasons for those numerous and great apprehensions, which the right hon. gentleman has stated so largely. As to the propositions which general Howe made to general Washington, they prove clearly, that general Howe was eager for the means of peace and conciliation; but Washington against them. However, general Howe will doubtless be able to put New York at the mercy of the King; after which, the legislature will be restored, and an opportunity will thereby be given for the well-affected to declare themselves, who are ready to make proper submission. Sir Peter Parker's expedition failed, from arriving too late; I am not answerable for its success, for it was planned before I came into the office. I had assurances from lord Cornwallis and general Clinton of this, that had not unavoidable delays happened, the force would have proved sufficient. The conduct of the war in Canada also has been reprobated for want of boats; all possible expedition has been used in building them, but it has taken longer time than I expected, and the embarking upon the lake has necessarily been delayed beyond the time intended. I am farther asked, what are the numbers of the armies in America? Sir, the number of that under general Howe is 25,000, and he will be reinforced by 5,000 more, which are near the American coast by this time. He has besides about 2,000 provincials, and will probably have more. The army in Canada is 11,000, and perhaps three or four hundred, which is the full complement for that department, if not a little more. There has been no cartel settled. There can be none; but the commanders in chief have agreed upon an exchange of some prisoners, man for man. Another question is, whether administration knows any thing of particular preparations on the coast of France? I have asked the noble lord by me, (lord North) and he knows nothing of any such—nothing farther than what is necessary for conducting the registered seamen to Brest—nor have I any intelligence of that sort. And now, Sir, permit me to make one remark on the House of Bourbon's supposed design of assisting the Americans, by going to war with us. I can give no credit to this idea, and my reason is, because it would be manifestly against their interest. How do

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you suppose would those countries like to have the spirit of independence cross the Atlantic? Would they not fear that their own colonists would catch fire at the unlimited rights of mankind,—would they not like that language better than digging gold? And would not there arise great danger from powerful independent states being so near them, freed from all controul from Europe? I cannot believe, Sir, that they would be so blind to their own interests.

Mr. *Fox* said, that every circumstance that had fallen out in America, was one aggregate proof, that opposition had been right last session in every one of their prophecies, and in every motive they had laid down as the cause of their conduct: that nothing could be so farcical as calling for unanimity, in approving measures, because those measures had been uniformly attended with the mischiefs that had been predicted: that instead of applause and approbation, administration deserved nothing but reproach—for having brought the Americans into such a situation, that it was impossible for them to pursue any other conduct than what they had pursued. He went into the independence declared by America. The Americans had done no more than the English had done against James the 2nd. When James went out of the kingdom, the English declared the throne to be abdicated, and chose another king. When the late severe laws were passed against the Americans, they were thrown into anarchy; they declared we had abdicated the government, and therefore they were at liberty to chuse a government for themselves. He was astonished at the sense which the noble lord in the blue ribbon put upon his conciliatory motion. He affirmed, that the motion contained no such proposition as that now asserted by the noble lord, nor could such a construction be put upon any words in the motion. He desired that the Resolution of the 27th of Feb. 1775 might be read; which was done. [See p. 320.]

Well, Sir, is it not clear, that no such proposition was held out by the motion? and is it not extraordinary, that every body should understand the motion, but the author of it? As to the noble lord who spoke last, priding himself on a legislature being re-established in New-York, it is the highest absurdity. Who can suppose, that, with an army of 30,000 men there, a legislature will not be found that shall express just that species of law and liberty which the other noble lord wishes to establish in America, and which kings may naturally be supposed to wish to flow from popular assemblies. Sir, it has been very well said, that the speech is an hypocritical one; and in truth there is not a little hypocrisy in supposing, that a king (I except his present Majesty, who really loves liberty;) but that a common king should be solicitous to establish any thing that depended on a popular assembly. Kings, Sir, govern by means of popular assemblies, only because they cannot do without them; to suppose a king fond of that mode of governing, is to suppose a chimera. It cannot exist. It is contrary to the nature of things; and it is hypocrisy to advance it.

But, Sir, if this happy time of law and liberty is to be restored to America, why was it ever disturbed? It reigned there till the abominable doctrine of gaining money by taxes infatuated the heads of our statesmen. Why did you destroy the fair work of so many ages, in order to re-establish that by the sword, which prudence, and the good government of the country, had seemed to fix for ever? But, Sir, how is this blessed system of law and liberty to be established? By the bayonets of disciplined Germans. The noble lord who spoke last, seemed to pride himself upon the Americans of Long Island making a precipitate retreat. They were out-generalled. Discipline triumphed over the enthusiasm which liberty inspires. Did the noble lord triumph? I pity his feelings. Sir, something has been said on the case of general Clinton: I wish that matter had been more explained; as it stands at present, the Gazette account is an infamous libel on the character of that gallant officer. Let administration stand forth, and avow that representation: they will not do it; they dare not do it; they skulk from an open and a fair representation.

We have been told, that it is not for the interest of Spain and France to have America independent. Sir, I deny it;—and say, it is contrary to every principle of common sense. Is not the division of the enemy's power advantageous? Is not a free country engaged in trade less formidable than the ambition of an old corrupted government, their only formidable rival in Europe? The noble lord who moved the amendment, said, that we were in the dilemma of conquering, or abandoning America; if we are reduced to that, I

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and for abandoning America. What have been the advantages of America to this kingdom? Extent of trade, increase of commercial advantages, and a numerous people growing up in the same ideas and sentiments as ourselves. Now, Sir, how would those advantages accrue to us, if America was conquered? Not one of them. Such a possession of America must be secured by a standing army; and that, let me observe, must be a very considerable army. Consider, Sir, that that army must be cut off from the intercourse of social liberty here, and accustomed, in every instance, to bow down and break the spirits of men, to trample on the rights, and to live on the spoils cruelly wrung from the sweat and labour of their fellow subjects;—such an army, employed for such purposes, and paid by such means, for supporting such principles, would be a very proper instrument to effect points of a greater, or at least more favourite importance nearer home; points, perhaps, very unfavourable to the liberties of this country.

General *Conway* said, he should be very sorry any part of his conduct were construed as disrespectful to his Majesty; no person bore his Majesty higher respect; but the Address was so entirely against his sentiments, so often declared in that House, that he must vote against it.

The House divided upon the amendment; 87 for it, and 242 against it. After which, they divided on the original Address. Ayes 232; Noes 83.

The King's Answer to the Commons' Address.] The King returned this Answer:

"Gentlemen,

"This very loyal Address deserves my particular thanks. I receive with the highest satisfaction your affectionate acknowledgment of my constant regard for the constitutional rights of parliament, and your zealous assurances of confidence and support in this great contest, in which the interests of all my subjects are so essentially concerned."

Debate in the Commons on a Motion for the Revisal of all the Laws by which the Americans think themselves aggrieved.] Nov. 6. Lord *John Cavendish* said, that he had seen in the public prints of this day, the following Declaration, which, if genuine, required the attention and consideration of the House:

"By Richard Viscount Howe, of the kingdom of Ireland, and William Howe, esq. General of his Majesty's Forces in America, the King's Commissioners for restoring peace in his Majesty's colonies and plantations in North America, &c.

DECLARATION.

"Although the Congress, whom the misguided Americans suffer to direct their opposition to a re-establishment of the constitutional government of these provinces, have disavowed every purpose of reconciliation not consonant with their extravagant inadmissible claim of independency; the King's commissioners think fit to declare, that they are equally desirous to confer with his Majesty's well-affected subjects upon the means of restoring the public tranquillity, and establishing a permanent union with every colony as a part of the British empire. The King being most graciously pleased to direct a revision of such of his royal instructions as may be construed to lay an improper restraint upon the freedom of legislation in any of his colonies, and to concur in the revisal of all his acts by which his subjects there may think themselves aggrieved, it is recommended to the inhabitants at large to reflect seriously upon their present condition, and to judge for themselves, whether it be more consistent with their honour and happiness to offer up their lives as a sacrifice to the unjust and precarious cause in which they are engaged, or to return to their allegiance, accept the blessings of peace, and be secured in a free enjoyment of their liberty and properties, upon the true principles of the constitution. Given at New-York, the 19th September, 1776. HOWE.
W. HOWE."

On this extraordinary Declaration, he said, he had some observations to make. There was no man more zealous for preserving the liberty of the press than he was. It was always with grief and indignation he beheld it abused, or employed to improper purposes. It was with reluctance he should complain of the abuse of it in the present instance, if the authenticity of the paper now alluded to were disavowed, which he must continue to think it would; because if such a paper really existed, it might be well expected its first public appearance would be either in the Gazette or the Journals of the House. If the paper was spurious, it was

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a most daring attempt to impose on the public; before he proceeded therefore any further, he thought proper to call on the noble lord to tell the House whether the paper was genuine.

Lord *North* said, he believed it was; that he heard the contents read, and believed it corresponded pretty faithfully with that which appeared in the public papers. It was not properly in his department; he therefore referred the noble lord and the House, to the noble lord who sat next him, and to whose office it was transmitted, for further information.

Lord *George Germaine* confessed the authenticity of the paper in question; said he had seen it in print the preceding evening, and believed it to be a faithful copy of that issued at New-York by lord Howe.

Lord *John Cavendish* then congratulated the House on this gleam of peace and conciliation, though he could not but express his astonishment at both the contents of the Declaration, and the extraordinary manner it became first communicated to the public. He observed, that parliament had been used all along by administration with the most mortifying contempt; commissioners are sent out with an intention of carrying a certain act of parliament into execution, armed at the same time with certain parliamentary powers for restoring peace; these extend no farther than granting pardons, and receiving submissions; yet, wonderful to relate, the first account parliament hear, and that through the channel of a newspaper, is, that those commissioners are authorised to answer directly for the sovereign; and obliquely for the two other branches of the legislature, that he will concur in the revisal of all Acts, by which his American subjects are aggrieved. He said, parliament were rendered cyphers in the whole conduct of the business from its commencement; when their name is wanted, they are called on, by way of requisition, to sanction Acts which render them abhorred by their fellow-subjects in every part of the empire; when the least appearance of lenient measures is to be held out, the merit is all to be attributed to the King and his ministers. It is to originate from them alone. Notwithstanding all this, he felt a dawn of joy break in on his mind. If ministers were serious, he should not stand upon mere punctilios; yet, he thought, to give the negociation the greater weight and efficacy, that House should, as the first proof of their disposition to peace, co-operate with administration, in so desirable a work. It would, besides, restore ministers to confidence; their professions were disbelieved in America; the motion, therefore, he was about to make, would be the means of removing the almost universal opinion that prevailed in America, that every ministerial promise was given with some insidious intention of treachery, deceit, imposition, or to divide them, in order the more easily to break their strength, and subdue them. To remove so strong an impediment to peace and conciliation; to shew we were in earnest, and wished sincerely for both; his lordship moved, "That this House will resolve itself into a committee, to consider of the Revisal of all Acts of Parliament, by which his Majesty's subjects in America think themselves aggrieved."

Mr. *Burke* seconded the motion. He begged to know from the noble lord (North) whether the instructions to the commissioners went the length of the offer of revisal held out in the Declaration; for without intrenching on that part of the prerogative which promises a revision of such of the royal instructions as may be construed to lay an improper restraint, &c. it was in his apprehension pretty evident, that the latter part of the sentence on which the motion was framed, held out a promise of concurrence on the part of the crown, to revise all Acts by which his Majesty's subjects in America think themselves aggrieved. This he looked upon to be leading parliament, not following it; he should, however, suspend any decisive opinion on the passage, till the noble lord had explained it. The text was before us; he wished the noble lord would rise and give us the comment; for certainly, either the idea held out in the Declaration, meant that Great Britain intended to revise and concede, or desired the people of America to lay down their arms, and submit to state their grievances, and we will remedy them, if we think proper.

Lord *North* said, he should not enter into a critical, literal, or philological interpretation of the passage in the Declaration, which gave rise to the present motion. He would, however, assure the hon. gentleman, that administration never meant to relax in pursuing the claims of this country, so long as its legislative authority was disputed. He referred the hon. member to the commission under which the commissioners acted, to their

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first proclamation, and desired him to compare them with the present, and see if they did not all substantially correspond; whether they did not all tend to the same point, to the restoration of peace to America. This declaration invited the people of America to that restoration; and as a motive of encouragement, as well as with a view of establishing a lasting union, a revisal of all acts, by which his Majesty's subjects in that country think themselves aggrieved, was held out. His Majesty has promised to concur in those acts or royal instructions that depend immediately on himself; he has engaged that they shall be revised, and tells his colonies that he has already directed his commissioners to that effect. As to the motion, he must be obliged to dissent from it for several reasons. Before, however, he proceeded to state those reasons, he would take the liberty to set his lordship right, as he supposed the error he meant to allude to, led him to make the motion, and support it throughout, in his opinion, on very wrong grounds. The noble lord's mistake was this; that the promise contained in the Declaration was the first of the kind; nothing could be more erroneous. It was the great principle that pervaded the conduct of administration from the beginning. It was the language of parliament at the very outset. In the Address of both Houses early in February, 1775, the conduct since so faithfully pursued, was strongly pressed and warmly recommended. One great object, nay the leading one, was, to hear grievances, to transmit an account of them home; and to engage, on the part of the legislature, that redress would be granted, wherever a just cause for redress existed. That this was the first opportunity the commissioners had to discharge that part of their duty, with any prospect of success; and why any communication of a plan already sanctioned by parliament, should be insisted on till some of the fruits of the measure, thus recommended, became necessary, was more than he could possibly perceive. His reasons for giving a negative to the motion, on this state of the whole question, would, he presumed, be obvious to every member present. The Americans have declared themselves independent; why enter into deliberation about what you are willing to concede, till we know first that they acknowledge our authority; and after they have returned to us, as subjects, till we know what would reasonably content them? How is it possible to treat, while they avow their sovereignty and independency? much less, to form legislative regulations for those, who both as subjects and independent states, have all along disputed our power and right of legislation. Let them acknowledge the right once; let them fairly point out the constitutional abuse of it, and the grievances flowing from that abuse, and I shall be ready to go into the proposed committee: or to adopt the most efficacious measures, not only to remedy real grievances, but even to bend to their prejudices in some instances. His lordship added, that the present motion, instead of producing any good consequence, might produce the very worst. The affair was at present in the hands of his Majesty's ministers, by the express advice of parliament; the motion might retard it, not that he entertained any great hopes of its success. Still parliament had advised it; his Majesty was willing to co-operate in effecting the same purpose, upon every parliamentary, rational and consistent rule of conduct.

Mr. *Fox* observed, that however absurd and inconsistent administration had shewed themselves in other respects, in their measures relative to America, and their professed contempt for parliament, they had been perfectly uniform and consistent. They had all along manifested the most contemptuous treatment of that House. He was always with the majority of the House in one point, though not upon other occasions, in supporting its dignity, privileges, and consequence with the people; which, in every measure relative to America, had been most shamefully violated; every information was denied, or purposely held back. The operations of war, it is true, were communicated with all possible ostentation and parade; but the only proper objects of parliamentary attention were totally neglected, and left to be collected from chance, vague reports, or a newspaper, while the negociations for peace, in which parliament and the nation were much more deeply interested, as the welfare of this country more immediately depended upon them, were kept in a state of concealment, as if ministers were ashamed to own, as well they might, that after all the blood and treasure which had been spent in the unhappy contest, they are obliged in the end to offer those very conditions which they had some years since rejected, with every mark of displeasure and disapprobation. The ac-

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count from New York, he observed, was received late on Saturday night; an extraordinary Gazette, announcing the retreat of the provincials from that city, was published early on Monday morning; another Gazette followed it the succeeding evening; and yet a syllable of the Declaration never transpired. He first heard it at the Opera the preceding evening, and read it that morning in a newspaper; still doubting its being genuine, till he heard it authenticated by the two noble lords on the opposite bench. He begged to be understood, that he did not make a charge of intentional concealment; but he contended, that ministers were no less culpable than if they concealed it from design; particularly, when the omission included in it the most manifest and mortifying inattention to parliament, whose sentiments the penner of the above Declaration had virtually, and, he would add, audaciously, engaged for, there being but little or no essential difference, according to the present well known pliable disposition of that House, between a royal promise to concur in the revisal of certain acts of the British legislature, and an actual solemn engagement of the whole legislature, for its due and faithful performance. In America, he said, all was peace, conciliation, and parental tenderness; in England, nothing but subjugation, unconditional submission, and a war of conquest. With that view administration procured a pamphlet to be written and sent to America, where thousands of them were distributed gratis; while in England the title was not so much as known, till after the publication on the other side the Atlantic. Publications of a very different tendency are encouraged here. America is to be subdued; taxes are to be obtained; charters are to be modified or annihilated at pleasure. These doctrines secure a party, and the bulk of the people on this side of the water, while the most moderate measures and fascinating promises are held out on the other, in order to insiduously trepan and deceive. He returned to what he called the shameful inattention and neglect which ministers had shewn in their conduct towards parliament; and as government had taken so much pains to conceal the proclamation alluded to, he had strong reasons to suspect, that other matters of a similar nature were suppressed, and never permitted to see the light. If there have been any such, why have not parliament been made acquainted with them? Is it not reasonable, that this House should know them? He then addressed and asked the Treasury-bench, if every supply they demanded had not been granted? Why, then, in this, as well as every other instance, keep back information, or, which was the same thing, neglect to give it to parliament, which had acted so openly, and put such confidence in ministers? What was the return? either a downright, designed imposition, or the most gross nonsense. What do the commissioners promise in the King's name? That "being most graciously pleased to concur in the revisal of all Acts," &c. Does his Majesty, at any time, or upon any occasion, concur in the revisal of any Acts of any kind? He may concur in the repeal of an Act, or in any amendment made in an Act which comes in the shape of a Bill, waiting for the royal assent; but as for promising to concur in the revisal of a law, which implies examination and amendment, in stages in which he can possibly take no part, it is rank ignorance or gross deceit. Besides, though ministers were serious, the promise could not be fulfilled, without supposing, that the opinion of parliament was just what ministers pleased to dictate; for what signifies what his Majesty's good dispositions may be, since parliament, it is well known, thinks differently? If, therefore, revision or revisal meant any thing, it meant a repeal, which it was impossible to expect from the present parliament, as they had so frequently refused any proposition, tending even that way. He finished with observing, that the commissioners, especially lord Howe, were known to be friends to conciliation; and for that reason, were not sent out till so late in the season, that government knew the Americans must have declared for independency, before they arrived. He declared it, as his firm opinion, that there could be no peace in America, without a complete relinquishment on our part of the claim of taxation; that the congress might well call the propositions of the court of Great Britain insiduous, if the House of Commons refused to support the Declaration of the commissioners. That the expressions in the Declaration were complained of as not being clear; but that whenever an expression was represented as not clear, the act accompanying it must be taken as its commentary. If then, the Declaration in question is not clear, how must America understand it, when by the vote of this

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House, this day, should the noble lord's motion be negatived, they shall plainly perceive, that the Commons of Great Britain had peremptorily refused to concur in rendering his Majesty's gracious dispositions effective.

Mr. Solicitor General *Wedderburn.* The reasons which have been given for agreeing to the present motion, are, I must confess, such as by no means convince me. I have not a doubt but the noble lord who made it, wishes for nothing so much, as to accelerate the means of peace; and my reason for opposing it is, that I think it would effectually mar the whole design. It is at present in the hands of the commissioners, regularly in the natural course of business; but to comply with this motion would be at once to take it out of their hands, and to raise jealousies in the Americans, at the designs or powers of those commissioners. Such a conduct here, might be productive of the worst consequences. It might, in the first instance, be deemed an act of submission on our part, not of favour in condescension to those, who look upon themselves as a sovereign state, and actually deny our authority. It would discredit the commissioners, and throw difficulties in the way of the negociation, now probably begun; because, by giving them the present proposed sanction, it would point out that they were not before armed with parliamentary powers, adequate to the professed objects of their commission. On the other hand, it may be productive of evil, as it compels us to give the proposition a negative, which is far from being the disposition of the House, when America shall acknowledge the supreme legislative right of this country, and by such acknowledgment, lay a just constitutional claim to our favour and protection. Let it be considered what is the present situation of the colonies? They are in a state of declared independency. Would you admit that independency, or treat with them as independent states? Or could you consistently with common sense and prudence, revise Acts by way of obliging those, whose principal object at present is not such revision, but to render themselves free from all connection with you as their superiors? It has been observed, that the King has answered too much for the legislature of this kingdom in the expressions of the proclamation in question. It appears to me very different, Sir. His Majesty there speaks only as the head and mouth of the nation, and the legislature, by assuring them, that the legislative power is ready and willing to hear their grievances, and revise any of their Acts which may prove grievances. To think the words of the proclamation mean any thing else, is to torture them strangely. Relative to these grievances, what are they which we can enter into a revision of? The principal that have been mentioned to-day, are, taxation and their charters. And would you enter upon the question of taxation by way of a means of reconciliation? Impossible! There is at present but one point which must be settled as a preliminary; it is that of independency; if they adhere, as I have no doubt they will, to that, there can be no discussion of other points; it is in vain to think of it. And as to their charters, they are not at all the questions at present, for restore their charter of king William, will they be satisfied? No. They are as unwilling to submit to the terms of those charters, as to the Boston Acts: they openly declare this. Hence, therefore, I may fairly assert, that till the spirit of independency is subdued, it is idle to come to any resolutions or revisions, as means of conciliation. Take the sword out of the hand of the governing part of America, and I have not a doubt but a very considerable part of that country will return to its obedience with as much rapidity as it revolted. Is it possible, that gentlemen can give their attention so much to one side of the question, and read one side only, so as to imagine the Americans are so free under their present government, as to have any reason to wish for a continuance of it? The very contrary is the fact; the congress does not govern America—it tyrannizes over it; the power and punishment of imprisonment as practised there, are tyrannical to the highest degree, and utterly inconsistent with every idea of freedom. The liberty of the press is annihilated; a printer that dared to print any thing contrary to their system and interests, would be instantly ruined—nor is even the freedom of private letters, or private conversation, permitted; destruction hangs over the man who ventures to write, or express a sentiment in opposition to their opinions. This horrid tyranny is what we may rationally hope to be so far dissolved, from the difference of the troops on both sides, as to enable the oppressed tyrannized Americans, safely to avow their real opinions, and to return

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without danger to their duty. As to a point which the hon. gentleman much insists on,—the design in administration of keeping the proclamation secret,—it appears strange to me that any person should think of such a thing, unless from the mode of reasoning which he is so ready to adopt, that having so much folly in it, it is the more likely to be the work of this ministry. Folly, indeed, to make that a secret, which was posted upon the walls of New York; and this I think is reason enough why it was not inserted in the Gazette—there was no call for it. Before I sit down, I should remark, that it appears a very sudden and unexpected way of bringing in a debate, after it was so generally understood that no business of any consequence was to come on in the House before the recess; but as I was not at the Opera last night, where this manœuvre was planned, I must be excused if I have not treated it in all its parts in the manner some might expect.

Mr. *Burke.* Rejoiced I am, Sir, that the learned gentleman has regained, if not his talent, at least his voice; that as he would not, or could not reply the other night, to my hon. friend, charmed as he must have been with the powerful reasoning of that eloquent speech, he had the grace to be silent. On that memorable occasion he lay, like Milton's devil, prostrate "on the oblivious pool," confounded and astounded, though called upon by the whole Satanic host: he lay prostrate, dumb-founded, and unable to utter a single syllable, and suffered the goads of the two noble lords to prick him till he scarcely betrayed a single sign of animal or mental sensibility. Why, Sir, would he not be silent now,—instead of attempting to answer, what in truth was unanswerable? But the learned gentleman has now called to his assistance, the bayonets of 12,000 Hessians; and as he thinks it absurd to reason at present with the Americans, he tells us, that by the healing, soothing, merciful measures of foreign swords, at the breasts of those unhappy people, their understandings would be enlightened, and they would be enabled to comprehend the subtleties of his logic. It was well said, on another occasion, that your speech demands an army!—and I may say, that the learned gentleman demands blood; reasoning he says is vain;—the sword must convince America, and clear up their clouded apprehensions. The learned gentleman's abilities surely desert him, if he is obliged to call such a coarse argument as an army to his assistance;—not that I mean any thing reflecting on his parts. I always esteem, and sometimes dread, his talents. But has he told you why commissioners were not sent sooner to America? Has he explained that essential point? Not a jot. Why, after the Act passed for them, were they delayed full seven months, and not permitted to sail till May; and why was the commission appointing them delayed till the 6th of that month? Answer this. The blood and devastation that followed, was owing to this delay; upon your conscience it ought to lay a heavy load. If the measure was right and necessary in order for conciliation, as the King declared in his speech at the opening of that session, why was it not executed at a time, in which it could be effectual; instead of being purposely deferred to one, when it could not possibly answer any end but that of adding hypocrisy to treachery, and insult and mockery to cruelty and oppression? By this delay you drove them into the declaration of independency; not as a matter of choice, but necessity: and now they have declared it, you bring it as an argument to prove, that there can be no other reasoning used with them, but the sword. What is this but declaring, that you were originally determined not to prevent, but to punish rebellion; not to use conciliation, but an army: not to convince, but to destroy? Such were the effects of those seven months cruelly lost, to which every mischief that has happened since, must be attributed.

But still the learned gentleman persists, that nothing but the commissioners can give peace to America;—it is beyond the power of this House. What was the result of the conference with the delegates from the Congress? Why, we are told, that they met in order to be convinced, that taxation is no grievance—"no tyranny" used to be the phrase; but that is out of fashion now. Then, Sir, what an insult to all America, was it to send as commissioners, none but the commanders of the fleet and army to negociate peace! Did it not shew how much you were determined, that the only arguments you meant to use, were your broad-swords and broad-sides. Let me assert, Sir, that the doctrines to be laid down in America, would not have been too trivial an occasion, even for the reasoning abilities of the learned gentleman himself. But, Sir, you may think to carry these doctrines into

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execution, and be mistaken too;—the battle is not yet fought; but if it was fought, and the wreath of victory adorned your brow, still is not that continent conquered; witness the behaviour of one miserable woman, who with her single arm did that, which an army of a hundred thousand men could not do—arrested your progress, in the moment of your success. This miserable being was found in a cellar, with her visage besmeared and smutted over, with every mark of rage, despair, resolution, and the most exalted heroism, buried in combustibles, in order to fire New-York, and perish in its ashes;—she was brought forth, and knowing that she would be condemned to die, upon being asked her purpose, said, "to fire the city!" and was determined to omit no opportunity of doing what her country called for. Her train was laid and fired; and it is worthy of your attention, how Providence was pleased to make use of those humble means to serve the American cause, when open force was used in vain. In order to bring things to this unhappy situation, did not you pave the way, by a succession of acts of tyranny;—for this, you shut up their ports;—cut off their fishery;—annihilated their charters;—and governed them by an army. Sir, the recollection of these things, being the evident causes of what we have seen, is more than what ought to be endured. This it is, that has burnt the noble city of New York; that has planted the bayonet in the bosoms of my principals;—in the bosom of the city; where alone your wretched government once boasted the only friends she could number in America. If this was not the only succession of events you determined, and therefore looked for, why was America left without any power in it, to give security to the persons and property of those who were and wished to be loyal;—this was essential to government; you did not, and might therefore be well said to have abdicated the government.

I have been reading a work given us by a country, that is perpetually employed in productions of merit. I believe it is not published yet——the History of Philip the 2d; and I there find, that that tyrannical monarch never dreamt of the tyranny exerted by this administration. Gods! Sir, shall we be told, that you cannot analize grievances?—that you can have no communication with rebels, because they have declared for independency?—Shall you be told this, when the tyrant Philip did it after the same circumstance in the Netherlands. By edict he allowed their ships to enter their ports, and suffered them to depart in peace; he treated with them; made them propositions; and positively declared that he would redress all their grievances. And James 2, when he was sailing from France, at the head of a formidable force, assisted like you by foreign troops, and having a great party in the kingdom, still offered specific terms;—while his exceptions of pardon were few, amongst the rest my hon. friend's ancestor, sir Stephen Fox. But you will offer none;—you simply tell them to lay down their arms, and then you will do just as you please. Could the most cruel conqueror say less? Had you conquered the devil himself in hell, could you be less liberal? No! Sir, you would offer no terms; you meant to drive them to the declaration of independency: and even after it was issued, ought by your offers to have reversed the effect. You would not receive the remonstrance which I brought you from New York, [see p. 643] because it denied your rights to certain powers;—yet the late king of France received the remonstrances from his parliaments, that expressly denied his right to the powers he was in the constant exercise of—answered them, and even redressed some of the grievances, which those very remonstrances complained of, though he refused to grant what he thought more peculiarly entrenched upon his own authority.

In this situation, Sir, shocking to say, are we called upon by another proclamation to go to the altar of the Almighty, with war and vengeance in our hearts, instead of the peace of our blessed Saviour. He said, "My peace I give you;" but we are, on this fast, to have war only in our hearts and mouths; war against our brethren. Till our churches are purified from this abominable service, I shall consider them, not as the temples of the Almighty, but the synagogues of Satan. An act not more infamous, respecting its political purposes, than blasphemous and profane as a pretended act of national devotion, when the people are called upon, in the most solemn and awful manner, to repair to church, to partake of a sacrament, and at the foot of the altar, to commit sacrilege, to perjure themselves publicly by charging their American brethren with the horrid crime of rebellion, with propagating "specious falshoods," when either

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the charge must be notoriously false, or those who make it, not knowing it to be true, call Almighty God to witness—not a specious, but a most audacious and blasphemous falshood.

Mr. *Rous* said there was one point, as a grand preliminary, which must be the basis of every conciliatory step on either side; that was a clear unequivocal acknowledgment of the legislative supremacy of the British parliament. If that was not to be obtained, but by the force of arms, he was most eagerly desirous that arms should be resorted to; that probably the advantages we had lately obtained at Long Island, and in the neighbourhood of New York, might give us an opportunity of establishing a civil government in that province, the example and influence of which, when accompanied with a promise of a redress of real grievances, might be productive of the most happy and salutary consequences. He would be better pleased to see Britain dying of the wounds she might receive in this unnatural conflict given by her rebellious ungrateful children, than consent to one condescending step that might tend to tarnish her former glories.

Mr. *Byng* observed, that administration had all along acted upon system, and however mistaken they might be as to some of the effects of their measures, they never lost sight of the great object they had in contemplation from the beginning; that was, to compel America to consent to unconditional submission, which was, in other words, to consent to be slaves; or, in the event of their refusal and consequent resistance, to endeavour to subdue or extirpate them. This he contended was the great pervading principle which governed the American system, and such was the intention of those to whom carrying it into execution was committed. The opposition given to the motion was of a piece with the whole of the ministerial conduct, since the commencement of this business. Ministers in private, and their runners in public, were constantly known to load the officers entrusted with the superior commands with reproaches, or to flatly charge them with disobedience of orders, and the commission of acts to which they were not authorized. This underhand conduct on the part of administration, answered more purposes than one; it answered in a military, as well as a civil capacity, to skreen and varnish over, as well as to mislead and betray. Thus they had the address and effrontery to shift the censure they would have so deservedly incurred off their own shoulders. This he instanced in the persons of Carleton, Howe, Clinton, and several others, who were represented by their runners about town, and even by some of the principals, as mad, ignorant, rash, or inactive, according as it suited the present moment. He should not have particularly adverted to those circumstances, if it had not called to his recollection the fate of a near relation, who fell a sacrifice to the same treacherous motives of self acquittal.

Lord *George Germain* rose to clear up some matters of fact. The noble lord who made the motion, had supposed that he received the proclamation with the dispatch from general and lord Howe; on the contrary, the proclamation was left at Falmouth with other matters, and coming up to town in the ordinary way, did not reach his hands till Monday morning, when the extraordinary Gazette was already published. He forbore to insert it in Tuesday's Gazette, because he really did not think it of importance enough; it was not concealed, many copies having been pasted against the walls of New York, and many sent all over America. As it was only part of a treaty, he thought it improper to publish it, and conceived it was altogether unusual, as he remembered the conversations between lord Chatham (when Mr. Pitt) and M. de Bussy, previous to the finishing the treaty of peace with France, was never published. He was averse to the present motion, as it would deprive general and lord Howe of the honour of making peace with America. As to the proclamation for a fast, he had before this day only heard it read once in council, and therefore from what the hon. gentleman had said, he had been induced to imagine, that the Archbishop who drew it up might have made some mistake; but that he had now read it, and thought it a very good and a very proper proclamation. His lordship then read it at the table, and having finished, declared the words, "specious falshoods," were properly introduced; he bid the gentlemen recollect the American declaration for independency, and then ask, if the rebels had not published "specious falshoods?" He bid them read their several other publications, and he doubted not they would all agree with him, that the assertion was most true; but he could easily account for his not seeing the matter in the

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same light as the hon. gentleman opposite him; he was neither so accomplished an orator, nor so excellent a divine!

Mr. *Dunning* opened with observing, that he was not at the Opera on Tuesday evening, and as he did not imagine any news-paper contained any matter likely to entertain him, he had not read one that day; that he came down to Westminster-hall in the way of his profession, and had come from thence into that House, without any previous knowledge of the debate; but as the proclamation had been declared to be authentic, it was evident that news-paper information was to be trusted as much as that given in any other manner. He declared his amazement, that the motion should be deemed sudden and ill-timed; he said, he knew of no time more proper for appointing a committee for the revision of such Acts as were deemed grievances by the Americans than the present. That the question was not now, what should be altered, and what should remain in force; that those were considerations to be agitated when they came into a committee; that it was high time the legislature of Great Britain gave America reason to suppose they would not always turn a deaf ear to her complaints; that it appeared by the proclamation of lord Howe that he had promised in the King's name, that such Acts as they thought grievances should be revised; that the promise went to an assertion, that parliament, as a branch of the legislature, would enable the King to keep his word; that therefore it was high time parliament convinced America how ready they were to second the King's endeavours to restore peace, by beginning the good work with a revisal of the Acts which oppressed America. He said, the remarks of a learned gentleman relative to the futility of the House's taking into their consideration what they thought the grievances of America, because it might afterwards appear they were not considered by the Americans as grievances, was notoriously ill-founded. That the gentleman did himself and the House much wrong, if because parliament had collectively been blind to the several publications of America, he supposed that the members as individuals had been equally blind, and neglected to peep into the petitions which had been presented. That all the members had made themselves masters of the subject, and that the House knew the grievances America had to complain of, was well aware what she felt as grievances, and might with great certainty proceed to redress them. The learned gentleman had given some new ideas of liberty; he had declared, that America must be subdued, America must be conquered in order to her deliverance. This sort of deliverance was to him a new consequence of conquest; from all that he had read or heard, he never knew that a conquered people were a free people, and he believed the House would join with him in supposing, that from time immemorial, the very reverse of freedom had been the fate of the conquered. As to the observation, that lord Howe's first proclamation was necessary to inform the public that lord Howe was arrived in America, it might also have been proper to have published the present proclamation to shew that he was still there. The noble lord who spoke last had accommodated himself to all parties, in his reasons for not publishing the Declaration in the Gazette. To those who thought it ought to have been made public, he had declared, any man might read it in the news-papers; and to those who thought it ought to be kept private, he had said, none could read it but those who chose to take a voyage to New York, where they would find it pasted on the walls of the half-burnt houses; and that he had not printed it in the Gazette, because lord Chatham's private negociations with M. de Bussy were not printed there. He said he should give his vote for the motion, although he knew it would not be carried, and ended with declaring, in reply to the observation about the fast proclamation, that he thought a church an improper place to promulgate a court creed in, and that so to act was to profane the place of worship.

The House divided.

Tellers.

YEAS	Mr. Fox - - -	47
	Mr. Byng - - -	
NOES	Earl Lisburne - - -	109
	Mr. Charles Townshend	

So it passed in the negative*.

* "From this time a great number of the minority, particularly of the Rockingham party, began to relax in their attendance upon parliament in either House; or rather to withdraw themselves wholly and avowedly upon all questions which related to America, and only to attend upon such matters of private bills or business, in which they had some particular concern or interest. This conduct was

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Debate in the Commons on the Navy Estimates.] Nov. 8. In the Committee of Supply, Mr. Buller moved, "That 45,000 seamen, including 10,129 marines, be employed for the year 1777."

Sir *George Yonge* should not oppose the motion, though he must condemn the service for which the greatest part of the seamen were destined. But while he approved of putting this country in a proper state of defence, he must reprobate that ruinous system upon which the present civil war was founded. He adverted to the declaration made by lord and general Howe, and positively affirmed the ministers were by that declaration pledged to a reversal of their system with America.

Mr. *Temple Luttrell* said, that the naval strength of this nation, for the protection of Great Britain and Ireland, was by no means equal to the account publicly given by some of the most responsible characters in office. So far from 23 ships of the line being fit for sea, as was asserted at the opening of parliament by the first naval authority in Great Britain, and positively insisted on by a noble lord over the way (lord G. Germaine) we had not, on the first day of the session, a sufficient number of men to complete the complements of 13 sail of the 23 guardships then in commission, so as to render them in a condition to encounter an enemy, and yet the highest war establishment of this country is lower as to numbers than that of any other naval power in the universe. He conceived it to be the immediate duty of parliament to take measures for putting these kingdoms in a proper state of naval defence, and not suffer the most useful of the ships, and the flower of your seamen, to be sent 3,000 miles off, on a fruitless, romantic attempt, to reduce the vast continent of America to unconditional submission; utterly lost to these dominions, to borrow the words of a very emphatic orator (Mr. Solicitor General) of the long robe, "by the folly of a few, the madness of some, and the evil designs of many, who have gone headlong into these desperate enterprizes." Let us be the more careful of what yet remains of empire and of liberty, nor leave these islands in a defenceless state, while our confederate enemies of France and Spain actually command all the European seas with a fleet of 50 men of war. We should be told, perhaps, that it is highly improper thus publicly to expose the weakness of our navy to those inimical powers, of whom such strong apprehensions are now expressed. If there was a ray of hope consistent with common sense, that such specious falshoods of government could impose upon the clear-sighted statesmen on the other side of the channel, or upon their ministers or emissaries on this side, we might allow that we had in the noble earl the best commissioner of the Admiralty that ever presided at that board; I mean so long as the safety of the nation depends upon concealing or disguising the truth; for I verily believe him to be the only man of his rank and education in these realms, I am sure he is the only professed moralist, who, after reiterated detection in the grossest impositions, and deep-laid fictions, can rally again, and return to the charge with so sanctimonious a composure, so dauntless an effrontery, that the rarity and perfection of the vice almost constitutes it a virtue.

Mr. *Attorney General* called Mr. Luttrell to order, appealing to the committee, whether so personal an attack ought to be suffered?

Mr. *Luttrell* said, he would persevere in his privilege as a representative of the people, to set forth, in as strong colours as he pleased, the official faults or iniquities of any of the public ministers of this country, where he was ready to support his allegations by circumstantial proofs.

The *Attorney General* insisted, that as there was no accusation formally before the House, Mr. Luttrell could not, consistently with the rules of the House, proceed any further.

Mr. *Luttrell* replied, that he would, at all hazards, proceed in acquitting himself of his duty. He knew (with great deference to that learned gentleman) he was within the law of parliament, and the rights of every member of it; and that the plea of wanting a formal accusation was a chicane which should avail nothing; for if the ministry would suffer him to carry a motion for the returns and state of the navy on which to ground his charges, he assured the House he would do no less in consequence of those abuses and mal-practices which must on enquiry come out, than follow such a motion by an address to his Majesty, "that he would be gra-

so marked, that some of the principal leaders of opposition, after attending the House of Commons, in the morning, upon private business, as soon as a public question was introduced, took a formal leave of the Speaker, and immediately withdrew." Annual Register.

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ciously pleased, for the welfare of his people, to remove the earl of Sandwich, not only from the office he now holds, but from the royal councils and presence for ever." He then observed, that to give the first commissioner of the naval department the palm of specious falshoods, while he had so many competitors in the ministerial fraternity, was indeed no trifling compliment. He acknowledged he was run hard by those men who give out to the world, that they have offered conditions of peace, and a real redress of grievances to the people of America, which offers have been rejected by those men on the Treasury bench, who advance, that the Congress have disavowed every purpose of conciliation short of independence. What conditions of peace, founded on a redress of real grievances, have been offered to the Congress, or any delegates in whom the Americans put a trust? Shall we again be insulted and nauseated with your ambiguous, hypocritical, and insiduous placards and proclamations, tending only to allure and cajole a few dastard renegadoes from the cause of constitutional liberty to your tyrannical standards? We were told by a noble lord, the other night, that he would never allow the legislative claims of this country to be a grievance. These were his very words, I took them down in writing at the instant he uttered them. One of the first crown lawyers added, that nothing could satisfy government short of unconditional submission. "The Americans have no terms to demand," said he, "from your justice, whatever they may hope from your grace and mercy." Sir, when the heathen emperor, Claudius Cæsar, held Caractacus and all his British warriors in chains at his chariot wheels, he talked not so proud a language to his captives, as these Christian ministers, while they invoke the special interposition of the Almighty, hold forth to their own countrymen hitherto superior to them in the lists. In short, strip off the mask and specious falshoods from every department of the state, as it is now modelled, and the war is a war of taxation, a war of injustice, impiety, and endless bloodshed.

Mr. *Wombwell* warmly defended lord Sandwich, and gave a long panegyric upon his private virtues, public talents, and industry; said he was the best minister, and perhaps the worthiest man in this country; [here the House laughed heartily] that he was not to be hurt by the shafts of that vehement member who spoke last. His lordship ought to be revered and honoured by every honest man in the country for his services in the department where he presides; there never was his equal in office; he gloried in calling him his friend, nor was there a man so admired and approved of by foreigners.

Mr. *Luttrell* made a short reply, and ended by saying, he verily believed that foreigners approved much of our having at this conjuncture such a man in such an office, and that he might perhaps be worshipped by the savages of Otaheite: he meddled not with his worthiness in social life, but he thought no good subject of this country held him worthy of his public trust.

Lord *Mulgrave* said, he was glad to find the hon. member intended to move for a serious parliamentary enquiry into the conduct of his noble friend at the head of the Admiralty board; that whenever the truth came out, the hon. member, however prejudiced he was at this time, by vague, ill-founded, and empty conjectures, would, if he had any candour in his nature, become a convert to a better-founded and more just opinion: for that the British nation had never known a first commissioner of the Admiralty equal to the present in capacity and meritorious services. He therefore wished the hon. member to move a fair, public test of the noble earl's conduct; and he, as the noble earl's friend, would stand as forward as any gentleman could do to second it.

Lord *North* said, that his Majesty had in that noble earl a very capable and zealous servant, who ought not to be thus attacked in his absence, from a collection of loose surmises, and low news-paper abuse; that, if the hon. member would inform himself of the real desert of the noble earl, he must retract his imputation, and admit, that the most laborious and eminent public services had been rendered this empire since he came to the naval administration.

Lord *Palmerston* spoke in support of lord Sandwich, and the present board of Admiralty; but he said, that in commending the noble earl's assiduity and talents, he would not be understood to detract in any degree from the praise due to lord Hawke, with whom he had likewise been in office.

Mr. *Luttrell* told lord Mulgrave, he was not apt to become a convert, after he had once formed his mind upon the best lights his understanding could furnish;

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that the two noble lords did him injustice, when they imputed his accusations to anonymous slander, or vague unsubstantial testimony; that when this boasted service of the noble earl came to be enquired into, it would be found he had been intrusted annually with twice as much of the public money as any one of his predecessors in office; therefore he ought certainly to have the fleet in a more formidable condition; but certain it was, that a great part of this treasure was not applied to the uses for which it was granted; there had been a multitude of errors, and much corruption, which he was prepared to produce evidence of, whenever the House would give a candid hearing.

The Resolution was agreed to, and the House resumed.

Mr. *Luttrell* then moved, as the first evidence necessary, on which to establish the truth of his charges, and even for the material information of parliament, independent of the proposed address to the King, to displace the earl of Sandwich; "That there be laid before this House the latest weekly accounts received at the Admiralty, prior to the opening of the present session of parliament, from the admiral, or commander in chief, of his Majesty's ships and vessels at the several ports of Chatham, Portsmouth, and Plymouth; together with the latest accounts received at the Admiralty, prior to the commencement of this session, of the state and condition of all ships and vessels of war employed on channel service, or on the coasts of Great Britain or Ireland." He would shew by these accounts, that the information given to both Houses on the first day of this session, of the state of the navy, when it was officially alleged, that we had 23 ships of the line fit to take the seas, and many more in great forwardness, and that our fleet at home was then a full match for the combined squadrons of France and Spain, should they visit these coasts, was a dangerous, wicked, and wilful imposition on parliament, and the whole nation. We had not, he said, near 7,000 effective men in the 23 guardships put together, and, to complete their complements for war, near double that number would be requisite. Our frigates, sloops, and small craft, were most of them upon remote service; and those ships of the line, put lately into commission, alleged by the American secretary to be in great forwardness, had not a twentieth part of their war complement; neither were the returns of the impressed men in and about this metropolis, on the first night of issuing the warrants, above one-third in number of what the runners of government were ordered to spread abroad. At Portsmouth, and its environs, the intention of impressing men was known to all the seafaring people 24 hours before the press-gangs were in motion; so we succeeded but ill in that quarter, and still worse on the western coasts. In short, if the people of England knew the real state of our marine power and resources, and the great superiority of our natural enemies in these seas, they would scarce suffer so many ships and men to be dispatched to the furthest quarter of the globe, even on a more rational and profitable pursuit than the reduction of our American colonies to despotism, before we had secured the seat of our empire from invasion and ruin. He was confident, after the impatience of the noble earl's friends to bring him to a fair ordeal, he should be seconded in this motion by one of the lords of the Admiralty, or the noble lord (Mulgrave) in his eye.

The Attorney General argued strenuously against receiving the motion: and the friends of administration were for throwing it out without further discussion.

Mr. *T. Townshend*, after shewing that the motion was strictly parliamentary and of material import to the business then before the House, seconded it; and asked what opinion any unprejudiced person could entertain of those gentlemen who so strenuously encouraged the hon. gentleman in his enquiry, and now shrunk from the trial. This clandestine and unwarranted step of with-holding the first official papers called for, would stamp a sentence on their friend and patron, not much to his honour or his advantage.

Mr. *H. W. Hartley* supported the motion, and drew a mournful picture of this country in its present condition, and a very odious one of the administration, and the systems on which they acted.

Mr. *Luttrell* insisted, that the absolute management of the maritime power of the British empire was too arduous, too solid, too important a trust, to be committed to a *bon vivant* of lord Sandwich's levity of disposition and known depravity of conduct, especially now the piping hours of jubilee and dalliance were at an end; and we ought to prepare for naval operations of the most substantial import to the safety of these islands.

The motion was negatived without a division.

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Proceedings respecting the Shaftesbury Election.] Nov. 22. Sir *George Savile* said, he had a petition to present from Thomas Rumbold, esq. respecting the Shaftesbury election. The petitioner prayed that the votes of the House of last session, by which the House agreed with the committee on the Shaftesbury election, might be re-considered, and such relief given to the petitioner as the House in its wisdom should think fit. After expatiating on what he thought the injustice that had been done to the petitioner on the necessity of supporting the dignity of parliament, he moved for leave to bring up the petition.

Mr. *Grenville* opposed the bringing it up at that time. He had no interest in the question, nor any connection with the parties; but he knew, that several gentlemen who had served on the Shaftesbury committee were absent, it being generally understood some days since, that no more public business was to come on before the holidays; and many of the country gentlemen who were interested in the question were also absent. He therefore moved, that the debate be adjourned to Feb. 3.

Mr. *Powis* seconded Mr. Grenville's motion.

Mr. *Hans Stanley* seconded sir G. Savile's motion. He said, he had as great respect for the members absent as any man, but God forbid a regard for any persons should prevent a British House of Commons from doing immediate justice. The House was now by three times fuller than when the votes complained of by the petitioner were passed. The parties concerned had known that a motion for rescinding those hasty resolutions would be made before the holidays. He knew it was the sense of the House to have rescinded them last year, if it had not been contrary to the standing order of the House, not to permit the same question twice in one session.

Mr. Grenville's motion was negatived. Then the Petition was brought up, and read; setting forth, "That, in the last session of parliament, the House came to divers Resolutions, upon taking into consideration the minutes of the examination taken before the select committee, who were appointed to try and determine the merits of the petition of Hans Wintrop Mortimer, esq. complaining of an undue election and return for the borough of Shaftesbury, and in particular a resolution, 'That it appeared to this House, from the said minutes, that the petitioner was a principal promoter and suborner of wilful and corrupt perjury at the said election;' and that the petitioner had not any intimation given him, that any proceedings were intended to be had with respect to him; and, as the petitioner is conscious of his innocence, he trusts he should have been able, had he been apprized of such proceedings, to have satisfied the House, that there was no foundation for so heinous a charge; and that the petitioner's character and reputation are highly affected by the said resolution; and that the petitioner did make an application, in the last session of parliament, to the House, for relief in the premises, which was rejected; and the resolution concerning which the petitioner offered his said petition having been passed in the said session, the petitioner apprehends, that that circumstance might have been a motive to the House, not to grant the prayer of his said petition: the petitioner therefore hopes, that, this clause no longer existing, his request may now be more favourably received." A similar petition was also presented from Francis Sykes, esq.

Sir G. Savile then moved, "That the entry in the Journal of the House, of the 14th of February in the last session of parliament, of the proceedings of the House, on taking into consideration the minutes of the examination taken before the select committee, who were appointed to try and determine the merits of the petition of Hans Wintrop Mortimer, esq. complaining of an undue election and return for the borough of Shafton, otherwise Shaftesbury, in the county of Dorset, so far as the same relates to Thomas Rumbold, esq. together with the order of the same day to the Attorney General to prosecute the said Thos. Rumbold, esq. might be read." And the same being read accordingly, he next moved, "That the said order to the Attorney General, for prosecuting the said Thomas Rumbold, esq. be discharged." The like orders for prosecuting Mr. Sykes and six of the electors, were also discharged.

On the 13th of December both Houses adjourned to the 23rd of January, 1777.

END OF VOL. XVIII.

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